

POSITION PAPER

Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking

and

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking

04 February 2014

COMMUNITY OF EUROPEAN RAILWAY AND INFRASTRUCTURE COMPANIES - COMMUNAUTÉ EUROPÉENNE DU RAIL ET DES COMPAGNIES D'INFRASTRUCTURE - GEMEINSCHAFT DER EUROPÄISCHEN BAHNEN UND INFRASTRUKTURGESELLSCHAFTEN



EXECUTIVE SUMMARY

The Scope of the Directive

The present Council Regulation defines the framework for future rail research in the European Union under the framework programme “Horizon 2020”.

The CER Position Paper

This CER Position Paper covers the “Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking” [Amendments 1.1 - 1.7] **and** “Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking” [Amendments 2.1 - 2.17].

This CER Position Paper exploited the input received from the International Union of Railways (UIC). This CER Position Paper replaces the CER Position Paper from 17.01.2014.

The CER Position

The Community of European Railway and Infrastructure Companies (CER) supports a breakthrough approach to rail research in Europe. The amendments in this position paper are designed to facilitate rail operators and infrastructure managers investing in the S2R JU and participating in its execution, thus ensuring effective uptake of step change innovation in products and technologies and their actual deployment by their users. CER emphasizes the need that Founding Members and Associated Members in Shift²Rail need to be treated equally.

Need for further clarification

In the “Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking” a definition of “affiliated entity” is missing. A reference is made in Article 4 “Contributions of Members other than the Union”. It needs to be clarified if and how EU companies with branches in non-EU countries or non-EU companies with their headquarters in the EU are covered.

The amendments

The Community of European Railway and Infrastructure Companies (CER) AISBL focusses on the major amendments and underlines that further editorial amendments would be regarded as appropriate.

The Community of European Railway and Infrastructure Companies (CER) AISBL proposes the following amendments to the Council Regulation to achieve a sound implementation of innovative rail research into the existing railway system:

Amendment Nr. 1.1

Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Recital (9)	
<p>(9) The <i>founding</i> members of the S2R Joint Undertaking should be the Union, represented by the Commission, <i>and</i> the Founding Members other than the Union, <i>listed in Annex II</i>, so long as they accept the Statutes set out in Annex I to this Regulation. These Founding Members other than the Union are financially sound single legal entities who have the financial capacity and have expressed their agreement, in writing, following intensive stakeholder consultations, to make a major financial contribution to pursue the research activities in the area of the S2R Joint Undertaking, within a structure well adapted to the nature of a public-private partnership.</p>	<p>(9) The members of the S2R Joint Undertaking should be the Union, represented by the Commission, the Founding Members, other than the Union, <i>and the Associated Members</i>, so long as they accept the Statutes set out in Annex I to this Regulation.</p> <p>The Founding Members other than the Union are financially sound single legal entities who have the financial capacity and have expressed their agreement, in writing, following intensive stakeholder consultations, to make a major financial contribution to pursue the research activities in the area of the S2R Joint Undertaking, within a structure well adapted to the nature of a public-private partnership.</p>
Justification	
<p>The recital 9 should comprehensively list all members of the S2R Joint Undertaking.</p>	

Amendment Nr. 1.2

Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Article 2.1 <i>(f) & (g) new</i>	
	<p><i>(f) new to develop innovative solutions for Persons with Reduced Mobility (PRM) needs which will lead to an acceleration of the national implementation plans for PRM accessibility of the European rail system such as foreseen in the current draft PRM TSI.(Technical Specification for Interoperability)</i></p> <p><i>(g) new to focus on the end-customers' needs and improving the attractiveness of rail transportation services in order to improve the competitiveness of the rail sector.</i></p>
Justification	
CER proposes to extend the scope of the Shift ² Rail objectives to ensure that the future challenges of the railway system are properly covered.	

Amendment Nr. 1.3

Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Article 2.2 (d)	
<p>2. More specifically, the S2R Joint Undertaking shall seek to develop, integrate, demonstrate and validate innovative technologies and solutions that <i>uphold the strictest safety standards</i> and the value of which can be measured against the following key performance indicators, inter alia: [...]</p> <p><i>(d) The removal of the remaining technical obstacles holding back the rail sector in terms of interoperability and efficiency, in particular by endeavouring to close points which remain open in the Technical Specifications for Interoperability (TSIs) due to a lack of technological solutions and by ensuring that all systems and solutions developed by the S2R Joint Undertaking are fully interoperable.</i></p>	<p>2. More specifically, the S2R Joint Undertaking shall seek to develop, integrate, demonstrate and validate innovative technologies and solutions that <i>maintain the existing safety level according to Art. 4 §1 of the Directive 2004/49/EC</i> and the value of which can be measured against the following key performance indicators, inter alia: [...]</p>
Justification	
<p>The proposed amendments ensure alignment with Art. 4 §1 of Directive 2004/49/EC (Safety Directive).</p>	

Amendment Nr. 1.4

Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Article 2.3 new	
	<p>3.new <i>The S2R Joint Undertaking shall seek to develop, propose and test innovative technologies and solutions that contribute to the following specific objectives, while maintaining the existing safety level and, where reasonably practicable, continuously improve it:</i></p> <p><i>The removal of the remaining technical obstacles holding back the rail sector in terms of interoperability and efficiency, in particular by endeavouring to close points which remain open in the Technical Specifications for Interoperability (TSIs) due to a lack of technological solutions and by ensuring that all systems and solutions developed by the S2R Joint Undertaking are fully interoperable and, where necessary, interchangeable.</i></p>
Justification	
<p>In accordance with Article 4 of the REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 the work for TSIs and closing open points in the TSI cannot be exclusively undertaken as part of S2R activities. S2R will therefore only be able to develop proposals that would be submitted in accordance with this regulation.</p>	

Amendment Nr. 1.5

Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Article 4.2(a)	
<p>2. The contribution referred to in paragraph 1 shall consist of the following:</p> <p>(a) contributions to the S2R Joint Undertaking of at least EUR 350 million, as laid down in clause 15(2) and clause 15(3)(b) of the Statutes set out in Annex I, including at least EUR 200 million from the Founding Members other than the Union and their affiliated entities, and at least EUR 150 million from Associated Members and their affiliated entities;</p>	<p>2. The contribution referred to in paragraph 1 shall consist of the following:</p> <p>(a) <i>in-cash and in-kind</i> contributions to the S2R Joint Undertaking of at least EUR 350 million, as laid down in clause 15(2) and clause 15(3)(b) of the Statutes set out in Annex I, including at least EUR 200 million from the Founding Members other than the Union and their affiliated entities, and at least EUR 150 million from Associated Members and their affiliated entities;</p>
Justification	
<p>According to the chapter 3.2.5 - Third Party Contributions of the Legislative Financial Statement the total co-financed appropriations of 350.000 million € are split into 13.500 million € contribution in cash to the administrative costs and 336.500 million € contribution in kind to the operational costs.</p>	

Amendment Nr. 1.6

Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Article 4.4	
<p>4. For the purpose of valuing the in kind contributions referred to in point (b) of paragraph 2 and clause 15(3)(b) of the Statutes set out in Annex I, the costs shall be determined according to the usual cost accounting practices of the entities concerned, to the applicable accounting standards of the country where each entity is established, and to the applicable International Accounting Standards / International Financial Reporting Standards. The costs shall be certified by an independent external auditor appointed by the entity concerned. The valuation of the contributions shall be verified by the S2R Joint Undertaking. In case of remaining uncertainties, the valuation may be audited by the S2R Joint Undertaking, as referred to in clause 20 of the Statutes.</p>	<p>4. For the purpose of valuing the in kind contributions referred to in point (a) and in point (b) of paragraph 2 and clause 15(3)(b) of the Statutes set out in Annex I, the costs shall be determined according to the usual cost accounting practices of the entities concerned, to the applicable accounting standards of the country where each entity is established, and to the applicable International Accounting Standards / International Financial Reporting Standards. The costs shall be certified by an independent external auditor appointed by the entity concerned. The valuation of the contributions shall be verified by the S2R Joint Undertaking. In case of remaining uncertainties, the valuation may be audited by the S2R Joint Undertaking, as referred to in clause 20 of the Statutes.</p>
Justification	
<p>Paragraph 4 needs to be amended according to the provision set in in the same article's paragraph 2a.</p>	

Amendment Nr. 1.7

EC Proposal											Amendment										
Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking																					
Legislative Financial Statement																					
Point 3.2.5 Third Party contributions																					
<p><i>Third-party contributions</i></p> <p>- <input type="checkbox"/> The proposal/initiative does not provide for co-financing by third parties.</p> <p>- <input checked="" type="checkbox"/> The proposal/initiative provides for the co-financing estimated below:</p>											<p><i>Third-party contributions</i></p> <p>- <input type="checkbox"/> The proposal/initiative does not provide for co-financing by third parties.</p> <p>- <input checked="" type="checkbox"/> The proposal/initiative provides for the co-financing estimated below:</p>										
	Year 2014	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Year 2021 and later	Total		Year 2014	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Year 2021 and later	Total		
Specify the cofinancing body - contribution in cash to the administrative costs										Specify the cofinancing body - contribution in cash to the administrative costs											
Specify the cofinancing body - contribution in kind to the operational costs*										Specify the cofinancing body - contribution in kind to the operational costs*											
TOTAL appropriations cofinanced										TOTAL appropriations cofinanced											
Additional activities										Additional Activities <i>In kind contributions</i>											
TOTAL thirdparty commitments										TOTAL thirdparty commitments											
Justification																					
The fact, that the contributions of at least EUR 350 million from founding and associated members consists of in-kind contributions of EUR 336,5 million and cash contributions of EUR 13,5																					

million to the administrative costs should be clearly stated in order to avoid misleading interpretations. (It is clearly defined in Annex I clause 15 (3) and (4) as well as in the table of the legislative financial statement (page 38) point 3.2.5 “third party contributions”)

Amendment Nr. 2.1

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 1 - Definitions	
<p>1. 'Associated Member' means a legal entity or a grouping or consortium of legal entities, established in a Member State or in a country associated to the Horizon 2020 Framework Programme, <i>that has been selected according to the procedure set out in clause 4(2), that fulfils the conditions set out in clauses 4(3) and 4(4)</i>, and that has accepted the present Statutes by signing a letter of endorsement;</p>	<p>1. 'Associated Member' means a legal entity or a grouping or consortium of legal entities, established in a Member State or in a country associated to the Horizon 2020 Framework Programme,</p> <ul style="list-style-type: none"> • <i>Associate Member 'Category I' listed in Annex II committed to a total financial contribution of at least 12 million € (and less than 30 million €) for the duration of the Shift²Rail Joint Undertaking, or</i> • <i>Associate Member 'Category II' , that has been selected according to the procedure set out in clauses 4(2) and 4(3) and committed to a total financial contribution of at least 12 million € (and less than 30 million €) for the duration of the Shift²Rail Joint Undertaking, or</i> • <i>Associate Member 'Category III' , that has been selected according to the procedure set out in clauses 4(2) and 4(3) and that fulfils the conditions set out in clause 4(4),</i> <p>and that has accepted the present Statutes by signing a letter of endorsement;</p>
Justification	
<p>CER proposes to define three categories of associated members in order to ensure more flexibility and to increase the attractiveness for becoming a member of the S2R Joint Undertaking.</p> <p>The first category allows interested parties to enter the S2R Joint Undertaking “on the fast lane” with a total financial contribution of at least 12 million €. Creating this member category will accelerate the process of setting up the S2R Joint Undertaking and is dedicated to interested</p>	

parties willing to invest a huge amount of money and being ready to immediately working in the Governing Board and defining the master plan.

The second category allows the access to the S2R Joint Undertaking after an assessment of the established structures incl. the master plan.

The third categories offers a Shift²Rail “à la carte” with an interested party being able to choose the IP or the IPs it is mostly interested in and willing to contribute to.

This amendment increases the attractiveness of the access to the S2R Joint Undertaking.

Amendment Nr. 2.2

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 2 - Tasks	
(h) pool user requirements and <i>define</i> interoperability standards to guide investment in research and innovation towards operational and marketable solutions;	(h) pool user requirements and <i>propose</i> interoperability standards to guide investment in research and innovation towards operational and marketable solutions
Justification	
<p>The work for TSIs and closing open points in the TSI is to be exclusively carried out according to Article 4 of the REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004. A direct link between S2R and closing open points in the TSI would mean bypassing the Group of Representatives Bodies (GRB) and be a violation of the aforesaid ERA Regulation. Only the recognised Standardisation Bodies (according to regulation (EU) 1025/2012 are permitted to approve by vote standards harmonised against Directive 2008/57/EC.</p>	

Amendment Nr. 2.3

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 2 - Tasks	
(j) establish and develop close and long-term cooperation between the Union, the rail manufacturing industry and other stakeholders required to develop pioneering innovations and ensure a strong market uptake of innovative solutions, including the rail operating community and other rail stakeholders, as well as actors outside the traditional rail sector;	(j) establish and develop close and long-term cooperation between the Union, the rail manufacturing industry, <i>the rail operating community</i> and other stakeholders required, <i>to establish best products and innovations for end-customers</i> , to develop pioneering innovations and ensure a strong market uptake of innovative solutions, including the rail operating community and other rail stakeholders, as well as actors outside the traditional rail sector;
Justification	
The railway system in Europe comprises by far more main actors than the European Commission and the manufacturing industry only. Breakthrough solution for the European railway system shall not be developed and proposed without the rail operating community. Article 1 of the Interoperability Directives and Article 3 of the Safety Directive provide a comprehensive and good overview about the complexity of the railway system and the various actors involved.	

Amendment Nr. 2.4

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 3 - Members	
1(b) upon acceptance of these Statutes by means of a letter of endorsement, the Founding Members of the S2R Joint Undertaking other than the Union, <i>listed in Annex II to this regulation, as well as the</i> Associated Members <i>to be selected in accordance with clause 4.</i> These members shall jointly be referred to as the members other than the Union;	1(b) upon acceptance of these Statutes by means of a letter of endorsement, the Founding Members of the S2R Joint Undertaking other than the Union and Associated Members. These members shall jointly be referred to as the members other than the Union;
Justification	
See amendment 2.1	

Amendment Nr. 2.5

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 3 - Members	
<p>2. The role and contribution of members other than the Union shall be defined in a membership agreement with the S2R Joint Undertaking. This agreement shall be negotiated with the Executive Director and transmitted to the Governing Board for approval. It shall provide a quantitative and qualitative description of the member's contribution to the S2R Joint Undertaking, defined in Article 4(2)(a), as well as the plan of additional activities referred to in Article 4(2)(b), and shall include provisions relating to the member's representation within the Governing Board.</p>	<p>2. The role and contribution of members other than the Union shall be defined in a <i>standardised and transparent</i> membership agreement with the S2R Joint Undertaking. This agreement shall be negotiated with the Executive Director and transmitted to the Governing Board for approval. It shall provide a quantitative and qualitative description of the member's contribution to the S2R Joint Undertaking, defined in Article 4(2)(a), as well as the plan of additional activities referred to in Article 4(2)(b), and shall include provisions relating to the member's representation within the Governing Board. <i>The Commission shall approve the membership agreement.</i></p>
Justification	
<p>The role and contribution of any member are major selection criteria. In order to ensure a high level of transparency and fairness, the membership agreement with the S2R Joint Undertaking shall be standardised and transparent. The Commission shall act in a neutral manner. See as well amendment 2.13</p>	

Amendment Nr. 2.6

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
	Annex 3- Members 3.3 new
	3. (new) A founding member or an associated member 'Category I' and 'Category II' may work in all the Innovation Programmes.
Justification	
See amendment 2.1	

Amendment Nr. 2.7

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 4.2- Changes to membership	
<p>2. The Associated Members of the S2R Joint Undertaking shall be selected through an open, non-discriminatory and competitive call. The first call for Associated Members shall be launched within three months at the latest following the establishment of the S2R Joint Undertaking. Any additional calls shall be driven by the need for key capabilities to implement the S2R Master Plan. All calls shall be published on the S2R website and communicated through the States Representatives Group and other channels in order to ensure the widest possible participation in the interest of the achievement of the objectives of the S2R Master Plan. The S2R Joint Undertaking shall encourage the participation of SMEs, and of actors from the entire rail value chain, as well as from outside the traditional rail sector.</p>	<p>2. The Associated Members 'Category II' and 'Category III' of the S2R Joint Undertaking shall be selected through an open, non-discriminatory and competitive call. The first call for these categories of Associated Members shall be launched within three months at the latest following the establishment of the S2R Joint Undertaking. Any additional calls shall be driven by the need for key capabilities to implement the S2R Master Plan. All calls shall be published on the S2R website and communicated through the States Representatives Group and other channels in order to ensure the widest possible participation in the interest of the achievement of the objectives of the S2R Master Plan. The S2R Joint Undertaking shall encourage the participation of SMEs, and of actors from the entire rail value chain, as well as from outside the traditional rail sector.</p>
Justification	
See amendment 2.1	

Amendment Nr. 2.8

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 4.3 - Changes to membership	
3. The Governing Board shall assess applications to become an Associated Member taking into account, inter alia, the relevance and the potential added value of the applicant for the achievement of the objectives of the S2R Joint Undertaking, the financial soundness of the applicant, and any potential conflicts of interest. <i>It shall then decide on the application.</i>	3. The Commission shall appoint the Associated Members ' Category II ' and ' Category III ' on the basis of the open call taking into account, inter alia, the relevance and the potential added value of the applicant for the achievement of the objectives of the S2R Joint Undertaking, the financial soundness of the applicant, and any potential conflicts of interest regarding the objectives of Shift²Rail.
Justification	
See Amendment 2.5 and Amendment 2.13	

Amendment Nr. 2.9

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 4.4 - Changes to membership	
4. The minimum own contribution required in order to become an Associated Member shall be 2.5% of the total budget of the Innovation Programme in which it participates	4. The minimum own contribution required in order to become an Associated Member ' Category III ' shall be 2.5% of the total budget of the Innovation Programme in which it participates
Justification See Amendment 2.1 and Clause 1.1. in the Annex of the Proposal for a Council Regulation.	

Amendment Nr. 2.10

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 5.1 & 5.2 - Organisation of the Joint Undertaking	
1. The bodies of the S2R Joint Undertaking shall be: (a) the Governing Board (b) the Executive Director (c) the Scientific Committee (d) the States Representative Group	1. The bodies of the S2R Joint Undertaking shall be: (a) the Governing Board (b) the Executive Director (c) the Scientific Committee (d) the States Representative Group (e) the Rail Sector Representatives Group
2. The Scientific Committee <i>and</i> the States Representatives Groups are advisory bodies to the S2R Joint Undertaking	2. The Scientific Committee, the States Representatives Groups and the Rail Sector Representatives Group are advisory bodies to the S2R Joint Undertaking
Justification	
A Rail Sector Representatives Group shall be established [in a well-balanced way (incumbent and non-incumbent, bigger and smaller railways)] and made an advisory body to the S2R Joint Undertaking in order to ensure that the results of S2R follow the rail system view and are later implementable (technically, commercially and economically) into and compliant with the existing railway system.	

Amendment Nr. 2.11

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 6 - Composition of the Governing Board	
<p>The Governing Board shall be composed of a maximum of twenty members, including:</p> <p>(a) two representatives from the Commission;</p> <p>(b) one representative from each of the Founding Members of the S2R Joint Undertaking other than the Union;</p> <p>(c) at least one representative of Associated Members per Innovation Programme, referred to in clause 1(3). These representatives will be designated by the Governing Board of the S2R Joint Undertaking, with a view to ensuring balanced representation of actors from the entire rail value chain, as well as from outside the traditional rail sector.</p>	<p>The Governing Board shall be composed of a maximum of twenty five members, including:</p> <p>(a) two representatives from the Commission;</p> <p>(b) one representative from each of the Founding Member other than the Union and each of the Associated Member 'Category I' of the S2R Joint Undertaking;</p> <p>(c) at least one representative of Associated Members 'Category II' and 'Category III' per Innovation Programme, referred to in clause 1(3). These representatives will be designated by the Governing Board of the S2R Joint Undertaking, with a view to ensuring balanced representation of actors from the entire rail value chain, as well as from outside the traditional rail sector.</p>
Justification	
<p>The Governing Board shall be composed in a way that ensures a balance of interest between all partners (actors from the entire rail value chain).</p>	

Amendment Nr. 2.12

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 7.4 - Functioning of the Governing Board	
4. On decisions pertaining <i>to the accession of Associated Members and</i> to the representation of Associated Members in the Governing Board, the Commission shall have the casting vote if the majority of two thirds cannot be achieved	4. On decisions pertaining to the representation of Associated Members ' <i>Category II</i> ' and ' <i>Category III</i> ' in the Governing Board, the Commission shall have the casting vote if the majority of two thirds cannot be achieved
JUSTIFICATION	
See amendment 2.8	

Amendment Nr. 2.13

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 8- Tasks of the Governing Board	
<p>The Governing Board shall have overall responsibility for the strategic orientation and the operations of the S2R Joint Undertaking and shall supervise the implementation of its activities. In particular, the Governing Board shall carry out the following tasks: [...] (c) assess, accept or reject applications for new membership in accordance with clause 4; (d) decide on the termination of the membership in the S2R Joint Undertaking of any Member that does not fulfil its obligations and on the conditions of this termination; (e) approve the membership agreements referred to in clause 3(2) after having consulted, where appropriate, an ad hoc advisory group; [...]</p>	<p>The Governing Board shall have overall responsibility for the strategic orientation and the operations of the S2R Joint Undertaking and shall supervise the implementation of its activities. In particular, the Governing Board shall carry out the following tasks: [...] (d) decide on the termination of the membership in the S2R Joint Undertaking of any Member that does not fulfil its obligations and on the conditions of this termination; [...]</p>
Justification	
<p>CER proposes to delete these tasks as those are principle tasks of the European Commission. See CER Amendments 2.5 & 2.8.</p>	

Amendment Nr. 2.14

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 11 (a) - European Railway Agency	
<p>The European Railway Agency shall have observer status on the Governing Board and contribute to the definition and implementation of the S2R Master Plan, in particular by performing the following advisory tasks: [...]</p> <p>(b) Proposing, after consultation with the stakeholders referred to in Article 2(1.e) of this Regulation, technical standards for research, development and validation activities with a view to guaranteeing the interoperability and safety of results.</p>	<p>The European Railway Agency shall have observer status on the Governing Board and contribute to the definition and implementation of the S2R Master Plan, in particular by performing the following advisory tasks: [...]</p> <p>(b) Proposing, after consultation with the Group of Representative Bodies (GRB) listed in Article 3 § 2 of Regulation (EC) 881/2004 and with the other stakeholders referred to in Article 2(1.e) of this Regulation, alignments for research, development and validation activities with a view to guaranteeing the interoperability and safety of results.</p>
Justification	
<p>Alignments (“Technical standards” is not the accurate term) for research, development and validation activities with a view to guaranteeing the interoperability and safety of results shall be discussed with all sector representatives - the Group of Representatives Bodies (GRB) according to the ERA Regulation.</p>	

Amendment Nr. 2.15

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 12a (new) -Rail Sector Representatives Group	
	<p>12a new - Rail Sector Representatives Group</p> <p>1. The Rail Sector Representatives Group shall elect a chairperson from amongst its members.</p> <p>2. The members shall reflect a balanced representation of recognised experts and engineers from railway undertakings, infrastructure managers, entities in charge of maintenance, keepers, consignors, consignees, carriers, loaders, fillers and unloaders. Collectively, the Rail Sector Representatives Group members shall have the necessary competencies and expertise covering the technical, operational and commercial aspect of the railway system needed to make science-based recommendations to the S2R Joint Undertaking.</p> <p>3. The Governing Board shall establish the specific criteria and selection process for the composition of the Rail Sector Representatives Group and shall appoint its members. Those criteria and the selection process are defined in Annex III (not yet drafted - to be created]</p> <p>4. The Rail Sector Representatives Group shall carry out the following tasks: (a) advise on the rail-operational and technological priorities to be addressed in the annual work plans; (b) advise on the rail-operational and technological achievements described in the</p>

	<p><i>annual activity report;</i> <i>(c) suggest possible areas of advanced research that could be subject to further developments;</i> 5. The Rail Sector Representatives Group shall meet at least twice a year. The meetings shall be convened by its chairperson. 6. The Rail Sector Representatives Group may, with the agreement of the chairperson, invite other persons to attend its meetings. 7. The Rail Sector Representatives Group shall adopt its own rules of procedure</p>
Justification	
See Amendment 2.10	

Amendment Nr. 2.16

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex 16.1 - Allocation of the Union contribution	
<p>1. The Union financial contribution to the S2R Joint Undertaking dedicated to operational costs referred to in Article 3(1)(a) and the additional contribution referred to in Article 3(1)(b) shall be allocated as follows:</p> <p>(a) up to 40% shall be allocated to Founding Members other than the Union and their affiliated entities.</p> <p>(b) up to 30% shall be allocated to Associated Members and their affiliated entities.</p> <p>(c) at least 30% shall be allocated by way of competitive calls for proposals and calls for tenders.</p>	<p>1. The Union financial contribution to the S2R Joint Undertaking dedicated to operational costs referred to in Article 3(1)(a) and the additional contribution referred to in Article 3(1)(b) shall be allocated as follows:</p> <p>(a) up to 35% shall be allocated to Founding Members other than the Union and their affiliated entities.</p> <p>(b) up to 35% shall be allocated to Associated Members and their affiliated entities.</p> <p>(c) 30% shall be allocated by way of competitive calls for proposals and calls for tenders.</p>
Justification	
Founding Members and Associated Members are to be treated equally.	

Amendment Nr. 2.17

Annexes to the Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking	
EC Proposal	Amendment
Annex Annex II	
<p>ANNEX II -FOUNDING MEMBERS OF THE S2R JOINT UNDERTAKING OTHER THAN THE UNION</p> <ol style="list-style-type: none"> 1. ALSTOM TRANSPORT 2. ANSALDO STS 3. BOMBARDIER TRANSPORTATION 4. CONSTRUCCIONES Y AUXILIAR DE FERROCARRILES 5. NETWORK RAIL 6. SIEMENS AKTIENGESELLSCHAFT 7. THALES 8. TRAFIKVERKET 	<p>ANNEX II - FOUNDING MEMBERS AND ASSOCIATED MEMBERS 'Category I' OF THE S2R JOINT UNDERTAKING OTHER THAN THE UNION</p> <ul style="list-style-type: none"> • FOUNDING MEMBERS <ol style="list-style-type: none"> 1. ALSTOM TRANSPORT 2. ANSALDO STS 3. BOMBARDIER TRANSPORTATION 4. CONSTRUCCIONES Y AUXILIAR DE FERROCARRILES 5. NETWORK RAIL 6. SIEMENS AKTIENGESELLSCHAFT 7. THALES 8. TRAFIKVERKET • ASSOCIATED MEMBERS 'Category I' <ol style="list-style-type: none"> 1. list to be completed
Justification	
<p>Founding members and associated members 'Category I' of the S2R Joint Undertaking other than the Union shall be listed.</p>	

Disclaimer

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