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Consolidated Version of the Rules of Procedure of the Europe's Rail Joint Undertaking States' Representatives Group

Adopted: on 3 June 2022

Amended by: Decision N° SRG 1/2023 of 27 March 2023 on the amendment of Article 4 of the rules of procedure of the States Representatives Group of the EU-RAIL Joint Undertaking

Article 1. Scope

These rules of procedure shall regulate the working methods and procedures of the States' Representatives Group (hereinafter "SRG") and shall apply to the extent that provisions regulating specific processes are not already set out in Council Regulation (EU) No 2021/2085 of 19 November 2021] establishing the Joint Undertakings under Horizon Europe (hereinafter "Single Basic Act"). These rules of procedure cannot deviate from and must be interpreted in accordance with the provisions set out in the Single Basic Act.

Article 2. Membership

1. The SRG shall consist of up to two representatives and up to two alternates (referred to as "SRG Representatives(s)") officially nominated from each Member State and country associated to Horizon Europe (referred to as SRG Member(s)). It is the responsibility of each SRG Member to nominate its SRG Representatives by means of written notification addressed to the Chairperson of the Governing Board, via the secretariat of the SRG.
2. The nominated SRG Representatives shall, to the extent possible, be senior science policy officials or researchers; they shall have access to and be capable of influencing policy-making in their own State and shall have specific expertise and competence in the field covered by the Europe's Rail Joint Undertaking.
3. The mandate of the SRG representative(s) remains in force until the respective competent national authority notifies the Europe's Rail Joint Undertaking of a replacement. The effective starting date of the mandate begins after the nomination has reached the Europe's Rail Joint Undertaking Programme Office.
4. A representative of any SRG State may request the reimbursement of travel and subsistence expenses s/he sustained in accordance with the Commission Decision C(2007)5858 of 5 December 2007 on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity. Travel expenses are reimbursed on the basis of actual expenditure and subsistence expenses are based on a flat rate per diem, for maximum one expert per meeting, unless otherwise indicated in the invitation letter.
5. Reimbursements of the costs of government experts shall be paid into an account in the name of the State, one of its ministries or a public body, in the absence of any derogation from the State, one of its ministries or a public body. Other experts shall state that s/he did not receive any reimbursement in any other form by the State s/he represents.
6. Except in the case of "force majeure", the reimbursement of travel and subsistence expenses will be strictly limited to one return travel per meeting from the point of origin and for the dates agreed in the appointment letter.
7. The Chairperson, and Vice Chairperson of the SRG attending the Governing Board meetings or any other meetings/events they are requested to attend, may submit a request for the reimbursement of the travel expenses according to the modalities set out here above.
8. The expenses mentioned in the fourth paragraph shall be reimbursed for up to two meetings per year, and within the limits of the available appropriations allocated under the procedure for the allocation of resources.
9. The letter of invitation to attend a meeting shall contain a reference to this Article.

Article 3. Chair and Vice Chair

1. The Chair and Vice Chair shall be appointed for a term of 2 years. This term may exceptionally be extended once for a maximum term of 2 years. If the chair and vice chair should, for whatever reason other than expiry of the term of their appointment, cease to be SRG Representatives, the SRG Members shall elect a successor for the remaining term of office.
2. The Chair shall be supported by a Vice Chair in all functions. Should the Chair be permanently unable to execute his or her duties, the Vice Chair shall take over the responsibilities of the Chair until a new election procedure takes place.
3. The main task of the Chair and Vice Chair shall be to organise and structure the work of the SRG and ensure the implementation of the SRG role and tasks as provided in the Single Basic Act and in particular:
 - to organise and schedule the SRG's activities;
 - to conduct meetings and moderate discussions;
 - to introduce draft agendas for meetings, and circulate the corresponding minutes;
 - to represent the SRG at the Europe's Rail Joint Undertaking's Governing Board, the System Pillar steering group, and, subject to its establishment, Scientific Advisory Body meetings and to liaise with the Europe's Rail Joint Undertaking's Governing Board;
 - to report to the SRG on the activities of the Europe's Rail Joint Undertaking's Governing Board, the System Pillar steering group, and, subject to its establishment, Scientific Advisory Body;
 - to perform such other tasks as may reasonably be expected.
4. In case of non-performance of his or her duties or serious misconduct and upon prior written request of at least one SRG Member giving details of the complaint(s), the Chair or Vice Chair can be removed by the SRG Members acting by a two-thirds majority.

Article 4. Specific Procedure for the Election of the Chair / Vice Chair

1. **First Term:** The Europe's Rail Joint Undertaking's Executive Director shall contact all SRG Representatives, asking for proposed candidates for each of the two positions of Chair and Vice Chair. Candidates to the positions of Chair and/or Vice Chair can put forward their candidacy themselves, or be proposed as candidates by other representatives. All candidacies, accepted by the candidates themselves following a verification by the EU-Rail JU, will be put to a vote among SRG members.

The Executive Director shall coordinate the vote. The Executive Director shall present the list of proposed candidates for each of the two positions to the SRG Representatives, along with their statements of motivation and of impartiality. All supporting documents, including a short curriculum vitae, must be sent by EU-Rail JU to the SRG Representatives before the vote. This procedure should be completed within one month.

The Chair and Vice Chair shall each be elected in principle by consensus, as a common opinion reached by the SRG Members represented at the election meeting, or, failing that, on the basis of a simple majority of the SRG Members represented at the meeting or through electronic voting. If no candidate pools over 50% of the votes, a second round of voting is initiated with the two candidates garnering the highest number of votes in the first round running again. The successful candidate shall be the one with the highest number of votes. A vote must be held even if one candidate stands for election.

If there is no candidate for the position of Vice Chair, the second most successful candidate for

the position of Chair shall be elected Vice Chair, subject to his/her agreement.

2. **Following Terms:** Up to six months before the end of the term of office of the Chair or Vice Chair, the incumbent may request the extension of his or her term. A decision to extend the term will be taken by consensus, as a common opinion reached by the SRG Members represented at the meeting or through electronic voting, or failing that on the basis of a simple majority of the SRG Members.

Article 5. Decision-Making

1. The SRG should, whenever possible, strive to reach decisions by consensus. When consensus cannot be reached and subject to any exception set out in these Rules of Procedure, decisions are taken by simple majority of the SRG Members represented at the meeting or through electronic voting should the need arise.
2. Each SRG Member shall have one vote cast by the lead SRG Representative designated for this purpose by each respective SRG Member.
3. Each of the SRG Members' votes shall have equal weight. Votes can be cast by electronic communication to the Chair and the JU Programme Office.
4. Absence of a vote is considered as abstention.

Article 6. Quorum

A quorum is required to enable a decision to be adopted by the SRG Members. A quorum is achieved if at least two thirds of the total number of SRG Members are represented at a given meeting, in presence and/or via digital connection.

Article 7. Agreed position related to the application of Article 22(5) HE¹

1. Decisions related to the agreed position to be reached with the Commission in terms of Article 17(2), point (l) of the SBA shall be solely adopted by the SRG Members that are Member States. The SRG Representatives from Associated Countries shall not participate in relevant deliberations.
2. The Commission representatives in the Governing Board and the participating SRG Members' representatives shall be invited to attend a meeting convened by the Chair for the purpose of agreeing on a common position. The meeting shall be chaired by the Chair of the SRG where the incumbent is a Representative of a Member State, otherwise, the meeting will be chaired by the Vice-Chair of the SRG where the incumbent is a Representative of a Member State. In the case where both the Chair and the Vice Chair of the SRG are not representatives of a Member State, the meeting shall be chaired by a representative of a Member State elected by simple majority by representatives of Member States.

¹ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013.

3. The representatives of the participating SRG Members shall actively participate in the dialogue and shall endeavour to reach an agreed position with the Commission representatives. An agreed position will require a qualified majority of the votes of the participating SRG Members².
4. In reaching an agreed position the participating SRG Members shall seek to ensure coherence with the approach taken for actions funded under the Horizon Europe work programme regarding the application of Article 22(5) of the Horizon Europe Regulation, as well as Union legislation and guidance relevant for its application in similar topics.

Article 8. Meetings

1. The SRG shall meet at least twice a year. Meetings shall be convened by its Chair through the Europe's Rail Joint Undertaking's Programme Office, either on his/her own initiative or upon request from at least one-third of the SRG Members. Extraordinary meetings can be convened by the Chair on his/her own initiative or upon request by any of the SRG Members. Meetings of the SRG will be attended by a maximum of two SRG Representatives and two alternates for each SRG Member.
2. The SRG meetings shall be attended by:
 - The Chairperson of the Europe's Rail Joint Undertaking Governing Board or his/her representative,
 - The Executive Director of the Europe's Rail Joint Undertaking or his/her representative,as observers, unless the SRG decides to hold a meeting between its own members only. The SRG Chair may also organize informal meetings between members, ensuring nevertheless prior information to all members.
3. Other persons may also be invited to attend on an ad hoc basis as observers. The Europe's Rail Joint Undertaking will not bear the costs for the attendance of these observers.
4. Notification of invitation to attend the meeting shall be sent by the Programme Office.

Article 9. Documentation

1. The Chair shall draw up the draft agenda of the meeting with the support of the Programme Office. The Programme Office shall send the invitation to the meeting, the draft agenda and any supporting documents to the SRG Representatives no later than 20 calendar days before the date of the meeting. An invitation to the meeting shall be sent to each of the SRG Representatives and to any observers.
2. In urgent cases the Chair may shorten the time limit for transmission referred to in paragraph 1 to 5 calendar days before the date of the meeting.
3. Any agenda item requiring a decision by the SRG Members must be identified as such on the agenda. Any SRG Representative may add an item to the original agenda by written notification to all of the other SRG Representatives within a minimum of 10 calendar days preceding the

² By analogy with Article 238(3)(a) of the Treaty on the Functioning of the European Union, qualified majority is defined as at least 55 % of the members of the States Representatives Group representing Member States, comprising at least 65 % of the population of these States.

meeting (2 days for extraordinary meetings). The item must be discussed if at least 5 SRG Representatives, each representing a different SRG Member, support its addition to the agenda.

4. The agenda shall be adopted by the SRG Representatives at the start of the meeting.
5. Minutes and related documents should be made available as soon as possible and no later than 10 calendar days after the meeting by the Programme Office. The minutes shall be considered as accepted if, within 15 calendar days from sending no objection has been raised in writing by any SRG Representative. The accepted minutes shall be sent to all SRG Representatives by electronic means.

Article 10. Information and Reporting

1. Information shall be circulated through the Europe's Rail Joint Undertaking's Programme Office. The main channel of information to national authorities should flow through the SRG Representatives themselves.
2. To facilitate communication and efficient working, all documents should be made available on a confidential internal web-platform, where the SRG Representatives have access and may upload and download the relevant documents. The necessary operational procedures are organised by the Programme Office. An alert-service should be implemented to make the representatives aware of any news.

Article 11. Transparency

1. The SRG shall authorize the Europe's Rail Joint Undertakings to make public the names of the SRG Representatives on the joint undertaking's web site.
2. The SRG's minutes of the meetings, opinions, recommendations and proposals shall be subject to the provisions of Article 34 of the SBA and measures taken for its implementation. They shall be published on the joint undertaking's web site.

Article 12. Confidentiality and Conflict of interest

1. In application of Article 33 of the SBA, the SRG Representatives and any other participants at meetings of the SRG are required to refrain from divulging information given in the context of its activities unless it has been confirmed that the information has been made public.
2. The SRG Representatives shall sign confidentiality agreements and declarations of conflict of interest after being nominated. Any other participants in meetings of the SRG shall sign confidentiality agreements and declarations of conflict of interest.
3. All SRG members and their SRG Representatives shall be bound by the rules on conflict of interest adopted by the Governing Board to give effect to Article 42 of the Single Basic Act.
4. Declarations of confidentiality and conflict of interest for the State Representatives and other participants at meetings of the SRG should be based on template annexed to these rules of procedure.
5. Any SRG Representative acting in breach of any of the relevant rules on confidentiality and/or conflict of interest shall due to such misconduct be considered as no longer being in a position to maintain the status of SRG Representative.
6. In order to ensure the adequate implementation of the article, the Programme Office shall identify the documents to be considered subject to the provisions of confidentiality. All document

shared with the SRG and not explicitly tagged as confidential shall be deemed of public knowledge.

Article 13. Adoption and Review of the Rules of Procedures

These Rules of Procedure shall be adopted by a majority of at least two thirds of the SRG Members. Any amendment shall also require a two third majority. Provisions having a budgetary implication must be approved by the Europe's Rail Joint Undertaking's Governing Board.

Adopted on 3 June 2022

The SRG Chairperson

Annex
Confidentiality and non-conflict of interest declaration by
the SRG Representatives/participants in meetings
of the Europe's Rail Joint Undertaking's States'
Representatives Group

I, undersigned..... [Name],

..... [Function and State].

hereby, undertake, as a [SRG Representative]][participant in meetings] of the Europe's Rail Joint Undertaking's States' Representatives Group, during and after the course of my mandate/participation:

1. To ensure the confidentiality of sensitive oral or written information the disclosure of which could damage the interests or the reputation of the Europe's Rail Joint Undertaking, or of the participants in the activities of the Joint Undertaking.
2. To declare promptly any conflict of interest that may arise from my participation in the States' Representatives Group. I further undertake to refrain from participating in any discussion/vote on the item and to leave the meeting room accordingly in case of conflict of interest.
3. I undertake to respect the rules for the prevention, avoidance and management of conflicts of interest adopting by the Europe's Rail Joint Undertaking's Governing Board to give effect to Article [42(2)] of the SBA

I understand that the obligations of non-disclosure set forth above shall not extend to information which are or became publicly known or available through no fault of my own.

Signed on the, in one original copy, on

Signature