

MINUTES

*of the 37th meeting of the Administrative Board
held in Lille*

on Wednesday 25 November 2015

The meeting opened at 10.15, Mr. Mats Andersson was in the Chair. The Chairman of the Sub-Committee, Mr. Robin Groth, was also present. The secretariat was provided by the European Railway Agency. The ERA Management Team, Mr. Josef Doppelbauer, Executive Director and ERA support staff were present.

ATTENDANCE LIST

MEMBERS OF THE ADMINISTRATIVE BOARD		
EU MEMBER STATES (with voting rights, one vote per member state)		
Mr. Klaus Gstettenbauer	Austria	Present
Alt: Mr. Wolfgang Catharin		Excused
Ms. Clio Liegeois	Belgium	Present
Alt: Ms. Valérie Verzele		Excused
Mr. Veselin Vasilev	Bulgaria	Present
Alt: Ms. Shumelova Silvia		Excused Present
Ms. Giulietta Marinova-Popova (adviser - Chief Expert at RAEA)		
Mr. Krešimir Raguž	Croatia	Present
Alt: Ms. Ljiljana Bosak		Excused
Ms. Chrystalla Mallouppa	Cyprus	Excused
Alt: Ms. Elpida Epaminonda		Excused
Mr. Jindrich Kusnir	Czech Republic	Excused
Alt: Mr. Luboš Knizek		Proxy Luxembourg
Mr. Jesper Rasmussen	Denmark	Excused
Alt: Mr. Hans Christian Wolter		Present
Mr. Indrek Laineveer	Estonia	Present
Alt: Mr. Raigo Uukkivi		Excused
Mr. Yrjö Mäkelä	Finland	Present
Alt: Mr. Tero Jokilehto		Excused
Mr. Benoît Chevalier	France	Present
Alt: Mr. Hubert Blanc		Excused
Mr. Mr Wolfram Neuhöfer	Germany	Excused
Alt: Mr. Michael Schmitz		Present
Mr. Triantafyllos Papatriantafyllou	Greece	Present
Alt: Mr. Grigoris Sampatakakis		Excused
Mr Gábor Rácz	Hungary	Excused
Alt: Ms. Helga Nemeth		Excused
Ms. Mary Molloy	Ireland	Excused
Alt: Ms. Caitriona Keenahan		Proxy UK
Mr. Antonio Parente	Italy	Proxy Belgium
Alt: Mr Giorgio Morandi		Excused

Mr. Maris Riekstins	Latvia	Excused
Alt: Mr. Juris Krastins		Present
Mr. Antanas Dubikaitis	Lithuania	Excused
Alt: Ms. Giedre Ivinskiene		Excused
Mr. André Bissen	Luxembourg	Present
Alt: Mr. Marc Östreicher		Excused
Appointment pending	Malta	Excused
Appointment pending		Excused
Mr. Hinne Groot	Netherlands	Present
Alt: Mr. Marnix Van der Heijde		Present
Mr. Ignacy Gora	Poland	Excused
Alt: Mr. Michal Zieba		Excused
Mr. Paulo de Andrade	Portugal	Excused
Alt: Ms. Ana Miranda		Excused
Mr. Claudiu Octavian Dumitrescu	Romania	Excused
Alt: Mr. Gelu Dae		Excused
Mr. Mikuláš Sedlák	Slovakia	Excused
Alt: Mr. Miroslav Dorčák		Present
Mr. Boris Živec	Slovenia	Present
Alt: Mr. Benjamin Steinbacher Pušnjak		Present
Mr. Jorge Ballesteros Sánchez	Spain	Excused
Alt: Mr. Eduardo Santiago González		Present
Mr. Mats Andersson CHAIRMAN	Sweden	Present
Alt: Mr. Carl Silfverswärd		Proxy Finland
Mr. Robin Groth	United Kingdom	Present
Alt: Mr. Chris Angell		Excused
EUROPEAN ECONOMIC AREA STATES (EEA) (no voting rights)		
Ms. Johanna Maria Øster	Norway	Excused
Alt: Ms. Karianne Brønlund		Excused
ETFA Surveillance Authority	Observer	
Mr. Gaspar Ebrecht	ESA	Present
EUROPEAN COMMISSION (voting rights: 4 votes in total)		
Mr. Henrik Hololei		Proxy to Mr. Onidi
Alt: Mr. Fotis Karamitsos		Excused
Mr. Olivier Onidi		Present
Alt: Mr. Patrizio Grillo		Excused
Mr. Sian Prout		Excused
Alt: Ms. Ainhoa San Martin		Present
Ms. Agnieszka Kázmierczak		Present
Alt.: Ms. Paloma Aba Garrote		Excused

SECTOR REPRESENTATIVES (no voting rights)		
Mr. Libor Lochman	Railway undertakings	Present
Alt: Mr. Markus Vaerst		Excused
Ms. Monika Heiming	Infrastructure managers	Present
Alt: Mr. Andreas Matthä		Excused
Mr. Philippe Citroën	Railway industry	Excused
Alt: Mr. Gilles Peterhans		Present
Mr. Guy Greivelding	Workers union	Excused
Alt: Ms. Sabine Trier		Excused
Mr. Josef Schneider	Passengers	Present
Alt: Mr. Maurice Losch		Excused
Mr. Ralf-Charley Schültze	Rail Freight Customers	Present
Alt: Mr. Gavin Roser		Excused

I. SUMMARY OF DECISIONS

The ERA Administrative Board:

- adopted the minutes of the 36th meeting held on 16 June 2015
- elected the AB Deputy-Chair and appointed one member in the Sub-Committee
- approved the ERA Communication Strategy and Action Plan Version No. 1.0.
- adopted the Single Programming Document 2016 and gave to the Agency the mandate to introduce the changes proposed by Germany and Netherlands
- adopted the Budget and Establishment Plan 2016
- adopted the general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS
- adopted the general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff
- adopted the general provisions for implementing Article 87(1) of the Conditions for Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations
- adopted measures concerning unpaid leave for temporary and contract staff
- gave to the Agency the mandate to launch a written procedure on the decision for reclassification of staff and on the decision for opting out of the application of the Commission's Decisions which only apply to staff serving in third countries
- agreed that the AB members would submit their declaration of interests in an updated form by 15th December 2015
- agreed to meet again on 31 March 2016

All decisions were taken unanimously.

II. MINUTES

1. Adoption of the Agenda

The agenda was adopted.

2. Adoption of the minutes of the 36th Administrative Board meeting

The minutes of the 36th AB meeting were adopted.

3. Follow-up on written procedure for the Amendment of Work Programme 2015

The Chairman made a short update on the latest developments regarding the amendment of the Work Programme 2015 since the launch of the written procedure in October 2015.

He recalled the evolution of the negotiations on the technical pillar of the 4th Railway Package triggered the need to speed up the preparatory work of the Agency.

Indeed, a letter was sent from the Commissioner to the Agency on 24th of June 2015 concerning the Agency activities on the cleaning up of national rules and, also, the occurrence reporting. He stressed the fact these tasks were very closely linked to the Agency's preparation towards the transition to the 4th Railway Package.

Moreover, it was said that, during the summer, the Agency realised that it was necessary to make some further changes in the Procurement Plan annexed to the Work Programme, despite the fact that another amendment to the same Procurement Plan had been already dealt with earlier that year.

The Chair clarified that these issues had been addressed and discussed at the Sub-Committee meeting in September 2015 and a lot of advantages and disadvantages had been already put forward about how to propose the necessity to amend the Work Programme. Namely whether those issues could all be dealt with at the same day in a discussion during the AB meeting or whether a written procedure should be followed, whether they should be taken as a "full package" deal or whether they could be discussed separately.

The Sub-Committee had opted for the "written procedure" method, which should be launched for all of the changes necessary to be made to the Work Programme in order to ensure that the Agency was on time in the implementation of its tasks.

The Chairman confirmed that the written procedure had been launched at the end of October and had been finalised two weeks ago.

However, due to reactions from a few Member States, which had put forward complaints regarding the time schedule of the written procedure on the amendment of the Work Programme and suggestions in favour of dealing with the issues involved therein during a Board meeting, it became apparent, during the Sub-Committee's meeting in November, that when it comes to substantial changes to the annual Work Programme, the AB meetings should be considered as the most appropriate venue for that kind of issues to be discussed, since such amendments required quite substantial background information.

The Board members, which had already been strongly involved in the consultation and engaged in the adoption of the Work Programme, should be given the possibility to discuss in length its amendments and new tasks.

The Chairman admitted that the way the amendments were proposed by written procedure was not perhaps the optimum, although the tasks were fully acceptable and reasonable to take place still in 2015 and asked the Board members to accept his apologies in that respect.

Belgium noted that it had been part of that group of Member States that had been asked on the necessity of launching a written procedure regarding the modifications introduced in the Work Programme 2015, mainly the most important ones, which concerned the tasks that would be entrusted to the Agency in the context of the 4th Railway Package. It recalled that it had been generally agreed that the new role to be assumed in the future would be a significant one and should be specifically entrusted to the Agency.

However, it repeated that, on issues like the one under discussion, it would be better for Member States to be given the possibility to express themselves and to make comments including positive ones, in order to encourage the Agency and, eventually, discuss whether recourses were available for the effective implementation of the tasks entrusted to the Agency.

It reminded that, after all, the proposal for a new Agency Regulation under the 4th Railway Package envisaged explicitly a detailed analysis of the costs necessary for the implementation of the new tasks entrusted to the Agency by the Commission. Such analysis had to be made well before the implementation of any new tasks.

It concluded that a discussion of the new important tasks proposed through the amendment of the Work Programme, which had been added to the Agency's overall mission should be made at the level of the Administrative Board and that the main organisational obstacles for this were related to the fact that it was urgent for the Agency to undertake these new tasks very quickly.

Belgium explained that, from the aforementioned letter sent from the Commissioner, which had been communicated together with the proposal for the amendment of the Work Programme, the Board members were informed that the Agency had already started implementing these additional new tasks.

Therefore, what was in reality requested from the Board was just to give a formal confirmation of the progress made by the Agency in the implementation of this new mission, which meant that the adoption

of this new mission through an amendment to the Work Programme had a “retroactive effect” (“effet rétroactif”) as the modifications entered into force at a prior date. Indeed, these additional tasks, some of which were almost completed by the end of October 2015, although the relevant modifications of the Work Programme could not be adopted before mid-November through the written procedure.

Since this “retroactive effect”, which, in certain cases, was desirable, was not bound by any legal constraints and limitations, Belgium proposed to the Board to include, in the future, any modification related to the fundamental issue of the tasks of the Agency, in the Agenda points of the AB meeting that follows, for discussion, even if, in practice, this procedure would allow for a “retroactive effect” of the decision related thereto and suggested to agree on a way to achieve this.

Slovenia argued that, even if it had been a case of urgency, still there had been plenty of time in advance, given the date of the letter sent by the Commissioner; however, had it been a really urgent matter, such written procedure should have been concluded or, at least, launched, at the latest, in September 2015.

In any case, it reaffirmed its support to any activity, but pointed out that the concern remained of whether there was an urgent matter so as to justify the adoption of the Work Programme amendment only some days prior to the Board meeting.

France agreed with the remarks of Belgium and those of Slovenia and added that it was only in relation to procedural and not substantial grounds that this point was raised.

Finland echoed the remarks made by the aforementioned Member States and recognised that, in the case in question, there had been certainly exceptional and compelling reasons requiring them to follow a written procedure, which in that sense, had been, to a certain extent, justified, but warned that this exception should not become the rule.

The Executive Director responded directly to the comments made by the Member States and made a personal statement on behalf of the Agency’s Management Team, reminding that the Agency had tried very hard, throughout the whole year, to get the Board members more closely involved in its work.

He referred to both the establishment of the “sponsorship” principle and the organisation of a workshop in July 2015 aiming at preparing the Work Programme for 2016 or even beyond that year, since they had been discussing the Single Programming Document.

He mentioned that, for him, it was an absolute necessity, especially at a time when the Agency is experiencing a period of transition to the 4th Railway Package, that this strong involvement of the Member States in the ERA Board was maintained and pointed out to the lessons to be learned for the following year. The year 2016 was expected to be very dynamic, especially because the Agency was about to enter fully into the transitional phase.

Currently as the exact time of publication of the 4th Railway Package technical pillar in the Official Journal of the EU had not yet been determined, the Agency had to build its work based on certain assumptions,

one of which was to maintain the pace in line with the Task Force Programme, although in 2016, could be reasonable to assume that the work schedule would have to be adjusted, after engaging in close consultations with the Board, depending on the progress of the political processes.

Therefore, he proposed to plan more Board meetings in 2016 in order to satisfy the needs that would be brought by the dynamic situation of the transition and to ensure a close engagement of all Board members.

The Chairman thanked the Executive Director for his remarks and guaranteed that all Board members would keep up with the good dialogue already started between the Board, the Commission and the Agency, in order to make sure that a close engagement and a good driving force in the Work programme is built and maintained.

4. Election of AB Deputy Chair and appointment of one member in the Sub-Committee

The Chairman recalled, firstly, that the current mandate for the Deputy Chair of the Board, namely the representative of Netherlands, Mr. Hinne Groot, was about to expire on Friday, 27th November 2015.

He added that the duration of the mandate of the Deputy Chair is three years, renewable once, and that a call for candidates was launched for this position among the Member States. Only one candidate expressed his interest to be candidate for the position, so far, the current Deputy-Chair.

In addition, there had been a temporary vacant seat at the Sub-Committee, which would continue to work until the formal entry into force of the technical pillar of the 4th Railway Package mid-2016, when it shall be replaced by the Executive Board. A call for candidates had, also, been launched for this position and that, until the day of the meeting, the only candidacy received was that of the representative of Germany, Mr. Wolfram Neuhöfer, who had been unavailable to attend this Board meeting, but had, nevertheless, expressed his interest to be appointed member of the Sub-Committee.

As no other Board member, present at the meeting, expressed interest in the above-mentioned positions, the Chairman proposed to proceed to the election with a show of hands. The Board members agreed unanimously to hold the elections by show of hands.

The representative of Netherlands, Mr. Hinne Groot, was elected, unanimously, as Deputy Chair for the following three years.

The Chairman thanked the re-appointed Deputy Chair for remaining on duty with the Board, expressed his satisfaction with the result and said that he was looking forward to continuing their cooperation for another term of three years.

The re-elected Deputy Chair thanked all the AB members for their support and announced that he was pleased with the trust showed to him and was happy to continue his work from the position of the Deputy Chair.

Furthermore, the Board fully supported the appointment of the representative of Germany, Mr. Wolfram Neuhöfer, as a new member of the Sub-Committee.

The Chairman congratulated the newly appointed member of the Sub-Committee, welcomed him to the Sub-Committee's next meeting that would be held in January 2016 and proposed to make sure that he would be included in the list of the Sub-Committee's members.

5. Communication Strategy

The Head of Corporate Management and Evaluation Unit of the Agency announced that he was very pleased that the Agency was, finally, in a position to present to the Board an almost comprehensive Communication Strategy.

The Agency's Communication Strategy consisted of an analysis part, which focused mainly on explaining in which communication activities the Agency had been involved.

In line with the discussions, in the November Sub-Committee meeting, a summary version of this Communication Strategy for publication should be produced and made available on the Agency's website for external stakeholders to have a look at so as to understand the rationale behind what was done and why it was done.

It was mentioned that the Agency had established quite well the framework for increased communication activities; ERA had to bring all the stakeholders together and reinforce cooperation amongst them in view of the current market situation and, also, of the current transitional phase towards the 4th Railway Package. A short analysis of the main opportunities and threats for the future had been also prepared. It was concluded that losing the political support would be one of the most significant threats.

Indeed, high expectations had been developed towards delivering the 4th Railway Package (e.g. the One-Stop-Shop was expected to start working fully in three years), therefore, any failure, from this point of view, could be considered as a big threat to the Agency's work.

Moreover, the Communication Objectives had been combined or, even, aligned with the Strategic Objectives of the Agency, by taking, among others, input from the Stakeholders' Survey and focus groups.

The fundamental question was how the Communication Objectives of ERA could be used in support of its Communication Objectives, which were supposed to improve the internal communications in order for the Agency to be able to "speak with one voice", get rid of the inconsistencies and any 'shallow' approach for were the points for improvements expressed during the focus groups and in the survey, develop better

the structure and design of the Agency's communications, in general, make documents and information accessible, readable and, possibly, include translation into other languages.

The Agency had, also, been mandated to explain better what it was doing and why it was doing it for, which meant that it should start provide information to the public, in a much more editorial manner on its activities; it should launch a newsletter with interviews of its key stakeholders, just to give people a feeling of what was happening exactly in Valenciennes and should support, from a communication point of view what the Commissioner had stated at the ERA's event in Luxembourg on "the role of the Agency in the international stage will be further strengthened".

The Communication Strategy included, among others, a communication network, which had been created for internal communication purposes, with participants from each Agency team/unit, who contributed to their editorial output and helped to learn from each other what was that the other teams/units were doing, what were the messages that were sent etc.

As far as structure and design were concerned, there were a number of developments planned to take place during the following two years, e.g. the website re-launch, which should be re-structured and made more accessible, so that the public could have easier access to documents, activities (and what was behind them) and availed of the technical problems frequently experienced by users.

The Agency was expected to engage more actively with its stakeholders; for that reason, it had started working on its Extranet page to make it more consistent, more accessible and, even, more guidable.

The planning and organisation of events and activities similar to the ones that had already taken place few days before the Board meeting, in order to bring the Agency's stakeholders together and discuss on the guiding issues will continue with some new features, social media and measures to make people come to the Agency and involve them in the discussions and make these events more attractive, e.g: a voting tool had been launched before the meeting for more interaction.

The Agency envisaged to increase its editorial output of the story behind its activities, a newsletter being one of the priorities, and that a lot of work had to be delivered as regards the Agency's corporate identity, the creation of a blog to give not only staff members, but also, others who might be interested in it, the opportunity to talk about specialist issues. This would guarantee that the Agency's intention to increase its press activity, although a very good result had already been achieved that year, but the aim was to further professionalise these activities.

Finally, he concluded that the Agency's reputation in the world could be built with a mixture of events, corporate design and clear guidelines on how it could contribute to the international sector in railways.

The Chair of the Sub-Committee/UK noted the importance of the Communication Strategy and recalled to the Board members that, within the Sub-Committee, this development had been followed very closely and put some pressure to be delivered on time.

He considered that the Strategy was a very strong document and he was pleased to see not only a clear set of objectives, something that was very action-focused, but also the identification of hearts and minds meaning that that the Agency's aim should be to bring people's adherence to its mission.

However, despite the significance of such document, from a strategic point of view, he proposed to produce a slightly simpler version for publication purposes.

Finally, he concluded that through the transition towards the 4th Railway Package, the Agency will have to build upon a "relentless" communication strategy and acquiesced that the strategy presented was a living instrument, which could change over the period of time depending on the needs of the Agency. The Agency had to be mindful that technology had enabled the voting to come up and handed the floor back to the Communication Officer to show the Board how this interactive form of communication had worked over the past few days.

The Communication Officer explained that the Agency had used the voting to ask the audience whether they liked ERA's Luxembourg Conference and mentioned that 40% among them had given 5 stars, 36% 4 stars and only 18% 2 stars. He added that the Agency had started using Twitter in July and a very positive feedback from the Commissioner had already been registered on that. The Commissioner had mentioned in her tweet the following: "Very lively debate with strong consumer focus at today's ERA event on the 4th Railway Package. Bravo!"

Railway Industry (RI) made the observation that the actions included in the Communication Strategy were not so many and went on to ask what was exactly the meaning of point 3.9, entitled "crisis communications".

The Communication Officer answered that the original thought had been to prepare this action bearing in mind that one day soon the Agency would start issuing a safety certificates and in case an accident happened, it would be in the front line of the media fallout, as a result internal mechanisms enabling the Agency to respond to that eventuality professionally should be developed, in order to define who says what and how to gather the information necessary for that.

He reminded that this was something that had already been done in close cooperation with the national authorities/partners of ERA and that it had already got questions from journalists who were trying to collect information and make statements on issues falling under the Agency's mandate.

He concluded that what "crisis communications" actually entailed was the development of a mechanism to respond professionally to the above-mentioned scenario.

Denmark stated that it found it very convenient to participate in discussions and meetings during that summer on the drafting of the Communication Strategy and repeated that it had made a series of proposals, which would not be accepted by the majority. It mentioned two issues as examples: firstly, it

found that the Strategy was very generic in nature and consequently it would be difficult for the Board members to disagree on any point thereof and that they had to fully support it merely for that reason.

However, improvements could be obtained only if the final result was made more specific; that is why Denmark revealed that it was already looking forward to the following steps, which should be more strategic in nature. It reminded that, during the summer, it had underlined the significance of ERA's Communication Protocol, approved from 2008, between the Agency and the NSAs, where the parties had agreed on and the Protocol clearly mentioned the need to build access for information and to develop full technical compatibilities. A series of systematic issues formed the backbone of that important document.

It proposed that the discussions on Communication Strategy should lead to the formulation of a document of a, more or less, similar line of thought as the one that had been produced back in 2008, which was mainly based on OSS line of thinking.

Denmark noted that the underlying thought was that such document should be on paper and reproduced on the website, but it should be strategic in nature from the very beginning. Therefore, the suggestion was to produce a similar kind of instrument building upon the document that had already been presented and discussed at the Board and which was broad in scope, after having systematically gone through the aforementioned ERA Communication Protocol.

Secondly, Denmark went on to ask the Commission, as far as the stakeholders listed in the ERA Communication Strategy and Action Plan were concerned, whether the full scope, the full package of the Commission should be included in this list the Single European Area and the Dangerous Goods, whether all the above should be considered, more or less within the scope of ERA in broad terms or would it be more right to leave them out, as the document implicitly did.

Infrastructure Managers (IM) declared that it was the first time for them to see the approach on a Communication Strategy and that they liked it because it was quite holistic; they used this approach, as well, as a benchmark in their organisation and amongst their members. However, they expressed their deep disappointment that the Agency's website did not give much information about the Luxembourg conference organised by ERA, and, although they realised it was mainly a resource problem, they suggested that the Agency should do more publicity on the results of event. It was stressed that the Agency had shown in the Luxembourg Conference two maps and asked if it would be possible to make available on the Agency's website, in the context of the Communication Strategy, a more interactive set of maps, where the Member States and IM could see where they Agency stands in terms of TSI deployment etc., because such outlook was considered very useful.

Netherlands thanked the Agency for drafting the Communication Strategy, a very positive step and it stated that it, also, considered a very good idea to hold discussions, every year, around March, during the Board meetings, on the priorities for the communication plans for the following year(s).

It was pleased that the document presented was not only about informing stakeholders, but, also, supporting implementation and dissemination of the legal framework and, in that sense, the Agency was encouraged to continue the good work with all the national and regional events, projects which was already going in the right direction.

However, it proposed to further elaborate on some other aspects, such as the academic dimension, which Netherlands considered very important in the long term mainly for education purposes, crisis communications, a matter which had already been mentioned and was developed further with NSAs and investigations, as well as a through a multi-linguistic approach.

Finally, it suggested that they had to be careful with political statements, which the Agency was supposed to abstain from, since it would not be appropriate for it to make such statements.

The Executive Director thanked the Board for the broad support of the Agency's Communication Strategy and, particularly, the Communication Officer and the Head of Corporate Management and Evaluation Unit, for drafting it.

He noted that the proof of the value of a Strategy lies in the execution and believed that the Agency had already demonstrated that some of the key elements of this strategy could be executed, as well. He apologised for the delay in the website actions, which was simply due to resource constraints that were about to be fixed because the Agency had just completed the selection procedure for an additional member of the Communications team.

He agreed with IM that, in the dynamic times that the Agency was about to enter, reliance should be placed much more upon an up-to-date and useful website, so that the public could be able to receive directly the information they were looking for without too much fuss and confusion. Replying to the remarks made by Denmark, he admitted that the Communication Protocol might be one key element in the whole process, a conclusion that one could easily draw from the Agency's high-level work plan for the 4th Railway Package, and, certainly was the key driver for OSS, but that they considered it much more as an essential part of the 4th Railway Package, rather than as part of stakeholders' Communication Strategy, in general.

The Head of the Corporate Management and Evaluation Unit thanked the Board members for their contributions in evaluating that document, which had been, a joint exercise of the Agency's Management Team and, especially, the Executive Director for the explanations that he had just given to the regarding the Communication Strategy. He pointed out that the presentation to the Board members of the results of the voting to determine the appreciation of the event that had taken place the day before this meeting was just used as an example in order to outline that the Agency had been trying to execute and to perform what had been included in its Communication Strategy, i.e. to get more interactive, to show maps and, maybe, in the future, interactive animated maps, and that the first steps to do this had already been taken. For instance, the said voting tool made interaction with the audience further engaged and involved

participants strongly in the discussions and so did the videos which rendered the concepts easily understandable to the wide public and presented them with a rather editorial way.

He concluded that the Communication Strategy was not something which should be simply understood as a promise for the future, but something that was already under implementation and made the difference from the old practices quite evident.

The Chairman summarised the discussions, noting that the AB members were, more or less, quite supportive of the ERA's Communication Strategy, as such, that there might be a few additional comments or slight changes to be made, that the work needs to be continued, with the strong involvement and participation of the Board members, in terms of refining and, also, of learning more from the Agency's communication activities and the progress made in the area.

Therefore, he proposed to include Communication Strategy as part of the Board meetings annual standing agenda, in order to achieve further involvement from the Board members and, as a first step towards this, to endorse the Strategy presented and added that, in case there had been further remarks, comments or suggestions, these could be forwarded by e-mail to the Agency's Communication Team, so that a revised version of the strategy could, hopefully, be completed by March 2016 and to be presented again at the Board. The purpose was to leave the discussion open on this subject matter, since, in his view, the Agency's Communication Strategy was a very ambitious programme, the implementation of which might necessitate additional resources.

Denmark apologised for repeating the same question, thanked the Executive Director and insisted on asking whether, apart from the RISC Committee, the other two Committees, namely the SERA Committee and the Committee on the Transport of Dangerous Goods, would continue to be involved in the work that was done within the ERA Board, reminding that it had pleaded in favour of ERA joining a Task Force on the Transport of Dangerous Goods. In other words, Denmark wondered whether this reference to the RISC Committee, to the exclusion of the other two Committees should be considered simply as a point missing from the document and whether this omission should be fixed.

The Executive Director responded briefly to the comments made by Denmark, noting that it was, of course, important to include, also, Single European Railway Area and the Committee on the Transport of Dangerous Goods in the Agency's agenda, but more from an active cooperation point of view and less from a pure communication perspective. This was something that had not been highlighted in the ERA's Communication Strategy, but the Agency's Business and Planning Project Officer and other members of the ERA's Management Team had been continuously involved in working with the above-mentioned Committees.

Belgium, also, asked whether the Board members would receive what the summary version of the Communication Strategy to be published on the website, since it could be useful for them to have a look into such shorter version, in order to know what exactly would be communicated on the ERA Communication Strategy and Action Plan.

The Head of Corporate Management and Evaluation Unit replied that the Board will receive, in due course, a shorter version of the Strategy, which would be both made available on the website and distributed to the AB members, and thanked all of them once again for appreciating the ERA Communication Strategy and Action Plan, which could to be adopted in March 2016, although he noted that the credits for this achievement should be rather given to Member States, also in view of the fact that the engagement of ERA in communication activities is an obligation in the proposal for the new Agency Regulation.

Slovenia proposed to agree on a deadline for further comments on the document presented before the approval of the ERA Communication Strategy and Action Plan, in March 2016 and suggested that the Communication Strategy should be more balanced and should not be drafted under the influence of over-optimism, mainly as regards activities which bear a strong impact on the Agency and admitted that, in any case, this was a very complex issue, which should have been reflected, also, in the Strategy itself.

Austria wanted to clarify whether the Committee to which Denmark had previously referred was, in fact the SERA Committee, in which Austria was already a member. It explained that this Committee's scope was intended to cover the whole European Railway Area, including some other more nuanced topics in comparison to what was being discussed at the ERA AB meetings. Based on the Austrian experience from RISC, it was noted that the RISC agenda included an item related to "any other business", which covered the 4th Railway package and the development of other activities within the Commission. It was pointed out, however, that this was not the case for SERA Committee, since this Committee focused neither on any of the issues discussed at the ERA AB meetings nor on issues concerning the 4th Railway Package itself or its predecessors, including both technical content and related legislative texts, something which, if taken into account, made a significant difference.

It was for this reason that Austria doubted seriously whether the Committee to which Denmark had referred was, in fact, the SERA Committee and stated that it was not supportive of Denmark's idea. Instead, it admitted that, for the time being, the Agency's Communication Strategy should focus more on the already mentioned stakeholders and organisations and address the experts participating in the SERA Committee or dealing with governance in such a way that they are adequately informed and given the possibility to express their opinion, as well; a possible extension of the ERA's Communication Strategy to other Committees should remain a matter for future discussion.

The Chairman noted that a few years ago, when the discussion started about the Agency's Communication Strategy and the initial proposals on that issue had been made in a form with spreadsheets which, in his opinion, had made it very difficult for the Board members to identify even core stakeholders and main activities and reflected on the work that had been produced since then and on how the mass of information was reduce significantly and present it in a more understandable form.

He concluded that there was support for the document, in spite of the fact that the discussion was still open with questions and remarks from the Board members regarding the exact content of the Strategy.

Therefore, he proposed that the Board endorses the ERA Communication Strategy and Action Plan, on the condition that, if there were any specific comments or remarks on the content, these should be addressed in writing to the Agency, and, preferable to the Communication Officer, by the end of 2015, in order for the Agency to be able to collect and collate all these comments and start working on a new version of the ERA Communication Strategy and Action Plan, for the Sub-Committee to hold a discussion on the issue in January 2016 and for the Board members to be presented with a comprehensive version of the document in the Board meeting in March 2016. He thanked everyone involved in the Agency for producing such a good result and he stressed how important was for the Agency to come up with “a good message for the good work done”.

6. Single Programming Document (SPD) 2016

The Business and Planning Project Officer provided some background information on the Single Programming Document 2016 which differed quite substantially from the Work Programme 2015.

It was noted, firstly, that one big change was that the Single Programming Document for 2016 was intended to cover not only the annual Work Programme of 2016, but, also, the multi-annual perspective of the Agency for the following three years, 2016-2018.

As far as budget and staff issues were concerned, the Agency had been given a budget of 26.75 M €, an amount which was in line with the estimates that had been completed earlier that year (26.77 M €) and that, at that moment, 135 staff members had been already included in the Establishment Plan 2016 (vs. 137 staff members, which were initially requested), noting that, in reality, the total number of staff members did not correspond to the one included in the Establishment Plan 2016, since Contract Agents (CAs) and Seconded National Experts (SNEs) were not included in the 135 FTEs, which meant that of the 171 staff members requested initially, the request had been approved for only 169 of them.

The Board members were informed of the following changes made by the Commission: a) in Annex I, in the column of 2016, the Commission set out 134 staff members of FTEs vs. 135 that had been previously stated, b) in Annex III, there had been some changes to the Establishment Plan for 2013, although the total number of FTEs had not been updated, so instead of 161, the total should be, after the change, 158 FTEs, and c) the reference to “resource allocation to Shift2Rail”, which should be taken out, since the resource allocation was made in relation to the 4th Railway package and not the Shift2Rail, anymore. One last minute change concerned the Objective No. 10, which was not only related to the implementation of the rules strategy, but, also, to the action plan and, therefore, an additional reference should be made in this regard.

It was concluded that the process from Draft 1.0 to Draft 5.0, which was finally presented to the Board had been quite lengthy, therefore, the management team wished to thank everyone involved in this work for the contributions and the constructive feedback and concluded that the Agency had just provided the

Board members with a very reasonable draft in a solid and stable form, including all the comments received and, therefore, the ground for its adoption by the Board had been prepared.

The Chairman thanked personally the Business and Planning Project Officer for her strong engagement and involvement and, in particular, for her endurance; he repeated that this had been a very long process and announced that it was about time to start the preparatory work for the Single Programming Document 2017.

The Chairman of the Sub-Committee/UK found the presentation of the Single Programming Document 2016 very helpful, mainly in terms of setting out the whole process that had been followed from January through to November 2015. It stressed the fact that indeed it had been quite a long journey, especially if one took a look at the first draft version which was completed in January.

It was highlighted that a key element of this year's success had been the stronger involvement of Member States and Board members in the whole process, which finally resulted in the formulation of a very strong document; the Sub-Committee had followed this process very closely, taking mainly account of the absolutely fundamental need to manage the changes required for the 4th Railway Package.

UK adhered to the statement made previously by the Executive Director, that the Agency had to be dynamic throughout the whole year to come in order to be able to react to a changing reality, adding that the Agency had already been placed in the best position possible for managing the transition in 2016, especially from the Sub-Committee's point of view.

Therefore, the UK recommended strongly the adoption of the Single Programming Document 2016 as presented.

The Commission informed, firstly, the Board members that its opinion had just been formally adopted that morning (at 10:00 a.m.), agreed with UK remarks, that described the whole process a quite long journey, although the overall impression was that all the actors involved in the process had put a lot of pressure to "squeeze that journey a little bit".

For that reason, it was announced that, for the following year, there would be a formal opinion on the SPD 2017 produced from the Commission's side well before the summer, hopefully in June 2016.

In the Commission's view, this would give much more certainty to the whole exercise, since the need for alignment of the initial formal objectives to the budgetary cycle was quite pressing; otherwise, this exercise would remain a theoretical one.

Secondly, the Commission suggested that the Agency should focus, at that particular stage, on loading all this work that had been delivered to improving substantially the content of this multi-annual Single Programming Document, not only in terms of multi-annual objectives, but, also in terms of KPIs and deliverables and noted that it appreciated the contribution of the Executive Director in the work produced.

The idea, according to the Commission, was to put an extra effort into qualifying the objectives as something that should be achieved in the time period to be covered by the Single Programming Document, in order to come up with a much more concrete document. Then, the Commission went on to ask for a clarification on its request regarding the EFTA contribution.

The Chairman thanked the Commission for addressing that issue along with the overall ERA objectives and welcomed the commitment from the Commission to engage early in the process the following year.

Belgium wanted to ask a question regarding point 5 of the minutes of the previous Board meeting, which related to KPIs for Directors of EU decentralised agencies. It recalled the discussions that had already taken place in relation to that issue, repeated that the Executive Director had confirmed that the Agency agreed to present the proposal during the Sub-Committee's meeting and, then, during the November Board meeting.

The Executive Director, in reply to the question made by Belgium, explained that he had, in fact, prepared a proposal on key principles of how the issue of KPIs should be dealt with and had, already shared this proposal with the Chairman of the Board and the Chairman of the Sub-Committee.

He pointed to the two key principles that were followed: the first one being that he had removed from the list of KPIs in the Single Programming Document 2016 the top three that were related to the performance of the whole Agency and had included them in his personal KPIs, adding, as well, three KPIs that had been proposed from the EU Agencies' Working Group on Executive Directors' KPIs in terms of both financial and human resources and effectiveness of the entire corporate system; the second one being that the baseline for these KPIs should always be the previous year, whereas the targets for the following year should be agreed between the Chairman of the Board, the Sub-Committee's Chairman and himself and, then, presented to the Board for approval.

Infrastructure Managers (IM) declared that it agreed, in principle, with the Single Programming Document 2016, however, it wished to express both its concern about Notified Bodies (NoBos) and its interest in putting in place a stronger certification process that would help in avoiding the listing of bad products.

It was highlighted that this had been a major concern, although the Agency had already taken up some of the proposals made by IM to work on a stricter certification procedure to safeguard, among others, the IM's interests, but the overall impression was that these ideas had not been reflected in the Single Programming Document 2016.

IM warned that it would raise these concerns every time, at the start of the process for the Single Programming Document and decided not to challenge the Single Programming Document 2016, provided that its comments would be included in the Single Programming Document for 2017. It, also, suggested focusing more on cybersecurity issues related to ERTMS for the Single Programming Document 2017.

The Executive Director, in response to the IM's remarks, noticed that, firstly, cybersecurity has been and is becoming more and more important and that it already formed an implicit part of the work produced in the field of ERTMS, but given their significance, the related issues should be stressed even more and, secondly, that the IM's concerns had been implicitly included in the activities undertaken by the Agency for the preparation of the 4th Railway Package.

He noted that the definition of the authorisation process had been one of the key achievements made internally in the Agency in 2015.

He underlined that it was very important for the Agency in line with the extensive discussions on the issue with the National Safety Authorities (NSAs) to be able to rely on all the actors involved in the process and, in particular, the NoBos, something which was critical for the success of the process fully agreed between the Agency and the NSAs.

He concluded that the ERA needed, not only, a strong accreditation, but, also, a strong quality assurance and, maybe a list of recommended NoBos, in order to make sure, together with the NSAs, that any NoBo, which has not been included in the ERA's recommended list would be complicated to receive an authorisation from the Agency.

The IM proposed, in conclusion, to the Agency to inspire from what had been introduced in the field of aviation security, i.e. the "aviation security identification card", in order to avoid working with products of poor quality and causing the overall system's breakdown, because some of their CEOs had already expressed their concerns in this regard.

The Executive Director referred to the year 2015 and added that there were, indeed, some limitations on the ERA's powers in comparison to the activities of EASA which enjoyed the right to audit aviation manufacturers, a power which the Agency had not been given yet, although his belief was that in the following Railway Packages (5th or 6th), the Agency would be finally given this right.

Denmark congratulated the Agency on the tremendous work done for the Single Programming Document 2016 and pointed out that, during the previous years, many and slightly serious challenges were faced in producing the work programme, mainly in terms of timing and content.

Denmark quoted item No. 9 of the Commission's opinion which read, among others, as follows: "This recommendation relates in particular to the preparation of cooperation agreements with NSAs, the proposal on fees and charges, setting up the one stop shop and the development of all internal procedures required for implementing the 4th Railway Package".

It highlighted the importance of that statement for the Agency and noted, in the new draft SPD 2016 dated 23 November 2016, there was a very useful addition, which went along the same line and read as follows: "As far as the transition towards the 4th Railway Package is concerned, the Agency will continue to develop and implement all the ERA tasks identified within its work programme plan "Preparation and

implementation of the 4th Railway Package at ERA” and monitor that all the interfaces with the external stakeholders will be ready to allow the Agency to effectively deliver its new tasks three years after the entry into force of the 4RWP”.

Denmark found that this statement had been a combination of what the Commission had been explaining and what it had been expected and asked for a confirmation that the meaning of this additional point of text included in the Single Programming Document 2016 coincided, in fact, with the meaning of the item No. 9 of the opinion formulated by the Commission and the excerpts from the Single Programming Document 2016.

It suggested that the above should be included more explicitly in the wording of the Single Programming Document 2016.

The Executive Director accepted the request made by Denmark and noticed that the issue raised had been part of the extensive work programme of the 4th RWP Task Force. He mentioned, additionally, that he believed that what was implied in the Single Programming Document 2016 and what was clearly outlined by the Commission, was, first of all, that some of the activities for the preparation of the 4th Railway Package will have to be carried out by the Agency itself, while some others have to be performed by the Commission and could serve as an input to the Agency’s activities.

He guaranteed that this, also, meant, that care was taken of the interfaces with external stakeholders, so that there would be no discrepancies either in the content or in the time schedule or in the sequence of these activities.

Germany confirmed its support for the document presented, thanked the Agency for its work and, in particular for the work done within the Sub-Committee where all the comments made by Germany had been taken into account and made explicit reference to some of the additional changes that were made in the document after the ones having been proposed by Germany.

A first aspect concerned the competency requirements for the NoBos, which had been also addressed by the Executive Director. It was reminded that there were two procedures for checking the NoBos competency requirements, one of them being based on accreditation and the other one on recognition, that the Agency had already been asked to include the recognition procedure in its work programme and that both procedures should be considered equivalent.

It was noted that this was something that ERA had taken into account, for instance, on p. 11 of the Programming Document 2016, but not on the following pages, e.g. on pp. 43, 48, where the only procedure mentioned was the one based on accreditation. Therefore, it was proposed that the Agency should include a reference to the recognition procedure, as well, since this could ensure that both procedures would be regarded as equivalent and would help to prevent the accreditation procedure from taking precedence over the recognition procedure, whose significance, would be, in turn, outweighed

seriously, especially if the quality and value of the latter procedure continued to remain unknown. Germany emphasised that this aspect was crucial, since it had opted for the recognition procedure.

The second aspect related to a specific issue addressed on p. 14 of the Programming Document 2016 regarding the “parameters to be checked by the RU after the authorisation”. It was noted that this reference was closely related to the 4th Railway Package and, more specifically, to the question of the elements left to be checked by the RU after the granting of authorisation to a vehicle. In this respect, Germany suggested that the above-mentioned phrase should be replaced with the phrase “parameters to be checked before the authorisation in order to ensure the compatibility between vehicle and trackside infrastructure”, explaining that the wording already used in the text could be open to misinterpretations, giving the impression that the RU would have to perform additional checks after an authorisation had been granted by ERA or an NSA.

On that point, Germany concluded that the Agency should not aim at that goal, but rather at having completed, to the maximum extent possible, all the required checks and controls, before an authorisation for the vehicle concerned could be provided, any additional (or remaining) checks being only necessary to ensure that the authorised vehicle fitted for operation on a dedicated line. An RU should, normally, be able to perform these additional checks; otherwise, the authorisation would not, in reality, bring any added value to the whole process for the RU.

Finally, Germany explained that there were some comments to be made as regards the purely editorial aspect of the document, but preferred to put forward and further clarify its relevant points through bilateral discussions.

The Executive Director confirmed that the ERA fully concurred with Germany's concrete comments and noted that the Agency would make sure that the wording of the Single Programming Document 2016 was absolutely clear and would not give rise to any misunderstandings.

Netherlands expressed its satisfaction with the document produced and urged the Agency to continue the following year using the experience already acquired from 2015,.

It noted that the approach followed, in particular, the consultation work with the sponsorships, was quite helpful in engaging all the members of the Board in the Agency's activities.

However, it was mentioned, firstly, as regards the content of the Single Programming Document 2016, that Netherlands fully supported the remarks made by IM on the NoBos and, secondly, as far as the TSI Noise follow-up was concerned that was expected that the Commission would come up with an ambitious document, containing, among others, measures to be taken into force within a five or six years' period of time and, by the end of 2016, the Agency to submit its advice on Noise TSI to the Commission. Therefore, the wording used in the comment “possible ERA advice on NOI TSI submitted to the Commission” should be read as not raising any questions or doubts on that particular issue.

UK stated on the role of NoBos that, although it absolutely supported the desire to make improvements in product quality, something which was of itself central to delivering a high-performance railway, the legislation did not allow for the Agency to undertake the role of a “quality inspector”.

The Chairman concluded, from the discussion, that the Board had been provided with a proposal on SPD 2016 following additional minor only changes proposed from the Commission two days before the meeting.

In his view, the overwhelming majority of the comments discussed during the meeting could be a basis for the future.

He summarised that there was one proposal from Netherlands regarding TSI Noise follow-up and two proposals from Germany, which the Agency accepted and, therefore he felt that this should be clarified further in the current version of the document.

He invited the Board members to make a decision on whether the Agency should be given the mandate to introduce in the final version of the Single Programming Document 2016 the two changes proposed by Germany and Netherlands and make it publicly available on its website.

Belgium clarified that it would not raise any objections whatsoever and asked whether the Commission’s opinion had, in fact, been taken into consideration during the drafting of the Single Programming Document 2016, since it had been formally approved the morning of the day of the meeting.

The Chairman answered that the Commission’s comments had been included in the Single Programming Document 2016 and the Commission seemed pleased with the content of the document presented.

The Single Programming Document 2016 was adopted unanimously subject to the inclusion of the above-mentioned comments from Germany and Netherlands.

7. Budget and Establishment Plan 2016

The Head of Resources and Support Unit, firstly explained that the document on the budget and establishment plan 2016 was already available on the 30th of October 2015. It included initially, the Agency’s proposal for the budget 2016, but, then, during the discussions at the Sub-Committee’s meeting that had taken place earlier in November, the Commission requested for some changes to be introduced in the budget 2016, in order to bring its content in line with the Commission’s draft budget dated May 2016. Those requests from the Commission led to a change in the total amount of funds included in the budget for 2016 and, also, to a reduction of the number of posts of TAs from 137 initially agreed by the Board in March 2015, to 135 in total, as proposed in the draft budget of the Commission.

He announced, additionally, that the Budgetary Authority had, also, reached, on 30th of October 2015, an agreement on the EU general budget 2016 which was about to be formally adopted

The conclusion drawn was the EFTA contribution would be reduced from approximately 2,9% to approximately 2,7% of the EU subsidy allocated to the Agency. Taking into account those additional developments, the Agency was obliged to produce an update of the Budget 2016, which was dated 24th of November and was the one that the Board had been invited to adopt.

The total amount of money in the Budget 2016 had been reduced from 26,77 M € to 26,69 M €, a reduction of, as the Commission had pointed out, 55.000 €, which corresponded, basically, to the amount of money needed for financing the post of a Contract Agent. The salary costs had been reduced to this amount and, therefore, there would be no particular difficulties.

Finally, it was clarified that the EU general budget 2016, including the overall amount of the ERA Budget, and the Establishment Plan 2016 had been, already, agreed, which, practically meant that the Board was not in a position to change the result and, therefore, what was left for the Board to determine, had the Budget 2016 been adopted with the proposed distribution plan, was only the distribution of the money on the different budget lines, where, in fact, the Board had a margin for manoeuvre, since both the overall amount of budget and the establishment plan for 2016 should be adopted by the Board, as they are.

The Commission added that the general budget for the EU for 2016 had, already, been adopted, so the possibility for decision-making, mentioned by the Head of Resources and Support Unit, would be limited within this budget line.

The Chairman reminded that the Sub-Committee had discussed, at least, on some of the preliminary versions of the ERA Budget and Establishment Plan 2016 and that what was presented at the Board was the final versions.

UK noted that the Sub-Committee had been following these developments very closely and complained for being, always, subject to last minute changes, which were, then, difficult to be tracked.

He admitted that the Sub-Committee had, indeed, followed very closely the first version of the Budget 2016 presented to the Board and commented that, in terms of the overall number of staff members, the Agency had ended up with what could be considered as being a good result. As far as the total amount of the Budget 2016 was concerned, he commented that the result reflected the idea that there would be a lot of work to be done by the Agency in 2016. He, finally, recommended the approval and adoption of the Budget and Establishment Plan 2016 as presented.

The Budget and Establishment Plan 2016 was adopted unanimously.

8. Decisions on Implementing Rules to the Staff Regulations

The Head of Resources and Support Unit said that an overview of what should have been expected in the near future in terms of decisions on Implementing Rules had been submitted to the Board.

Four decisions were proposed for adoption to the Board.

The first decision concerned the measures to be applied for the unpaid leave of temporary and contract staff. The second decision concerned the procedure governing the engagement and use of temporary staff under Art 2(f) of the CEOS which applied to all TAs at ERA, with the exception of the Executive Director. The third decision proposed concerned the general provisions for implementing Article 43 of the Staff Regulations and the first paragraph of Article 44 of the Staff Regulations for temporary staff, namely the performance appraisal of CAs. It was said that the performance appraisal would have to start early in 2016, consequently the timely adoption of this decision important.

Finally, the fourth decision concerned the general provisions for implementing art. 87(1) of the CEOS and implementing the first paragraph of art. 44 of the Staff Regulations, namely the performance appraisal of TAs.

The Commission said that the texts of the four decisions presented could be approved by the Commission and that the overall aim of the whole process was to make sure that all staff members within the Agencies, regardless of whether they were TAs or CAs or any other category of staff, enjoyed legal certainty about their professional status and give ERA the assurance, in case of future employment disputes, that following the practice used also elsewhere could, in fact, be a strong safeguard against any future problems in terms of resources management which was a weak point for ERA and stated that it fully supported the formal adoption of these Implementing Rules by the Board.

Slovenia suggested that when such crucial issues on decision-making were discussed at the Board, it would be preferable to be presented with a clear message, in order to avoid any interference with the Management Team's opinions, on how these decisions, which could not be amended in any aspect whatsoever, could, in fact, lower the expectations on the deliverables of the ERA. It was considered important to have support for any activity undertaken by the Agency, on the condition that the Board had become aware of the risks involved therein.

It was pointed out that, when it comes to budget reduction, it would be appropriate for the Board to be informed on how exactly the reduction would impact ERA's deliverables.

Similarly, the same message was expected to be communicated as regards the decisions on the Implementing Rules i.e. whether their implementation in the Agency would affect its deliverables, so as to be able to decide on the issue. It was stressed that the Board lacked information on the risks involved in the activities to be implemented or rules to be adopted when the presentations at the Board meetings have simply the character of an introductory note to the agenda item to be discussed without an analysis of the consequences.

The Chairman agreed with the statement made by Slovenia and admitted that, even for him, it had been difficult to understand some aspects of these issues.

Slovenia highlighted the fact that all actors involved, i.e. the Commission, the Parliament and the Council, were strongly committed to implementing the 4th Railway Package and the activities that would have to be performed by the Agency in the future; therefore, supporting the Agency and providing it with the resources necessary to perform its new tasks and mission could not anymore be considered as an arguable issue, anymore.

France mentioned that the notion of Temporary Agents (TAs) was a point that could, possibly, be discussed, during the transitional phase towards the 4th Railway Package as well and expressed the opinion that the term “TAs” could, also, be extended to include the development of staff exchanges, either for some weeks or for some months or even longer, between the railway companies, the NSAs and the Agency.

France suggested that the agents working at ERA could work temporarily for NSAs etc. and noted that there were a lot of options to choose from if one wished to raise competition. However, it admitted that this remark was not intended to resolve any of the Agency’s budgetary problems in question.

Belgium replied to the Head of Resources and Support Unit on whether a written procedure should have been put in place (or not) regarding the adoption of the rules on staff working outside the EU.

It pointed out that, at least in Belgian law, non-application of an existing rule could not be considered illegal; therefore, the question raised was whether adopting decisions, stating that the Agency would not apply these rules, because, in fact, there would be no scope of application of these rules (i.e. there is no staff member of the Agency working outside the EU), which would, thus, remain inapplicable, would be necessary.

In other words, Belgium asked whether the Agency had the right not apply these rules, without having to take a decision for that. Otherwise, if this was not the case and the Board members were absolutely compelled to make a decision on this point, then, it suggested doing it by written procedure, since there would not be much need for discussions on this issue.

The Head of the Resources and Support Unit recognised that model rules were, in fact, a very good solution, in the sense that they address the needs of the Agencies in a more suitable way than the Commission’s Implementing Rules.

Furthermore, it was said that all these rules were conducive to a good staff management at ERA and, from that perspective, there was no reason for the Board members to raise any concerns. It was confirmed that it could only encourage the Board to adopt the Implementing Rules to the Staff Regulations as presented.

The Executive Director thanked Slovenia for its comments and observed that, indeed, negotiations on the Budget 2017 in 2016 would be an experience full of challenges. He announced that, in 2017, the Agency would have to raise the number of its staff members considerably in order to ensure the timely and effective execution of its tasks and the implementation of the 4th Railway Package.

However, he believed that the Agency would have to make efforts in order to secure, also, a better budget, which should be available, along with other resources. Indeed, the 4th Railway Package provided for the funding of the additional Agency's staff members (40-42 persons) by fees and charges.

He guaranteed that the amount of fees and charges, at least in 2017, would be zero for the Agency and invited all Member States to give their support to the Agency and come up with a feasible budget plan for 2017.

The Chairman of the Sub-Committee/UK confirmed that the Sub-Committee supported and recommended the approval of the decisions on the Implementing Rules as they were prescribed by law and the Board had to make a decision.

The Chairman fully agreed with the opinion of UK and added that the Board was ready to adopt the four Implementing Rules to the Staff Regulations. He stated, also, that he fully supported the view of Belgium, which proposed to follow the adoption by written procedure, had it been necessary for the Board to make a specific decision on opting out of the "staff working outside the EU" rules.

The Head of the Resources and Support Unit accepted the invitation to start the preparatory work for the implementation of a written procedure and announced that there would be, also, another written procedure to follow on reclassification of staff; for that, he explained that they would still have to wait for the final adoption, by the Commission, of the model rules for Agencies, but he admitted that a stable version of the legal text to be adopted had already been made available to the Agency. However, he noticed that, taking account of the fact that the reclassification exercise would start as soon as the staff appraisal would be completed, possible at the beginning of the following year, it was important to adopt the relevant rules as soon as possible and, in any case, before March 2016.

The Board agreed unanimously, the four decisions proposed and, at the same time, agreed to give the Agency the mandate to launch a written procedure on the two issues regarding the staff working outside the EU and reclassification on Contract Agents.

9. Single Programming Document 2017

The Business and Planning Project Officer presented the calendar for the work that had to be completed by the end of 2016 for 2017 and noted that the proposed timetable was, more or less, in line with the timetable followed for the previous years and 2016 as well.

The Chairman noticed that no matter what challenges the Board would experience, the plan seemed to be a good way forward, although he noted that the proposed timetable changed the idea of having the consultation workshop in June, a practice that had been followed for the previous three years.

Netherlands agreed with the proposed timetable and wondered whether there could be an agreement on setting up a procedure of sponsoring (also for the coming year) and advised the ERA Management Team

to come up with a proposal on that issue by December 2015, so that those interested would be given the time to express their interest during January 2016.

The Chairman welcomed the comment made by Netherlands and admitted that he, too, was planning to address to the Agency this remark. He concluded that 2015 had been a successful year as regards both the introduction of the sponsorship principle and the involvement of the members of the Board in the whole process and mentioned that he fully supported the proposal made by the Agency for the Single Programming Document 2017, which had, also, been discussed during the Sub-Committee's meetings.

UK noticed that the aim of the timetable was the proposal for SPD 2017 will be first discussed by the Sub-Committee and pointed out that the version of the Single Programming Document 2017 that would be discussed by the Sub-Committee would have to undergo the Commission's initial scrutiny already at that meeting, in order to guarantee that they would focus strongly on that meeting in order to represent the view of the AB as strongly as possible there. Although it came as a surprise that a new draft (Version 2.0) would be already produced by the end of January, it was confident that the Agency could live up to the expectations. It mentioned that it was looking forward to seeing that the Commission will have delivered its official opinion until the 1st of July and highlighted that the re-scheduling of the whole process to 5-6 months earlier than expected had been a very significant change. However, he reminded that the final result should be legally sound and in line with the budgetary constraints.

The Commission agreed that this was the right way forward and added that, in 2016, the Agency would have to carefully look into the question of Budget and, in particular, the issue of the Establishment Plan, because the number of additional posts to be possibly included in the Establishment Plan could bear a significant impact on the outcome that should be included in the Single Programming Document for that year, which meant that, maybe, the Agency would have to work simultaneously on two versions of the document. Finally it reminded that the more optimistic scenario would be that the Agency finally manages to get the approval for the additional posts despite the absence of fees and charges, whereas the other – more realistic– option would be that the Agency's total number of staff remains the same and proposed to take into account these developments in the elaboration of the objectives and the outputs for the Single Programming Document 2017.

The Executive Director added that, if the Commission thought as more realistic the scenario of not getting the additional posts approved, there would be a major issue, which meant that the 4th Railway Package could not be implemented and admitted that he had no intention of giving the impression that the Agency could deliver any additional tasks without being given additional resources.

The Commission replied to the additional remark made by the Director, noting that it totally agreed with him and that pointing out to the consequences of a choice would really work as a "powerful tool" for the Agency; however, it reminded that there were a number of Agencies that would be much better placed to receive an approval for additional posts and that the Agency should be present a series of strong arguments to support its position, including the ones related to "what is at stake".

The Chairman admitted that all the Board members agreed, in the end, that, first of all, the proposed timetable was the one within which the work would have to be delivered and, also, that they needed to work together in putting forward and stressing these arguments in order for the Agency to be given the budget and the resources necessary to perform the implementation of the 4th Railway Package. He suggested that the Commission should discuss, with the other members of the Board, on how to manage this, because he had realised that this would put a lot of pressure on the Agency during the end of 2015 and the beginning of 2016. He felt that, hopefully, things would be better if one looked at the proposed timetable for the Single Programming Document 2018, he repeated that, in his opinion, this was a good way forward, although the sponsorship issue was something still open for discussion in the near future, and invited the members of the Board to support and to continue getting actively involved in that work for the following year, as well.

Germany raised the issue that the Agency had to face a challenging situation, where, even though it was supposed to start implementing the new tasks resulting from the 4th Railway Package from the following year onwards, the necessary financing for these new tasks would not be obtained before 2019. It was noted that NSAs had to face the same challenges in each Member State, as well; they are assigned new tasks, for which they have to secure re-financing, but the implementation of these new tasks is always supposed to start with no more human resources than the ones already being available to them. Germany admitted that this challenge would be a difficult one for the Agency to tackle and, therefore, proposed that ERA should get in touch and discuss the matter with other EU Agencies, in order to find out more about how they had already been coping with such challenges.

The Chairman thanked Germany for its proposal and mentioned that this proposal could, also, be discussed in the near future. In conclusion, he summarised that the Board members agreed that the Agency's proposal for the Single Programming Document 2017 would be a viable solution for that year and promised that the Board would come back with some further comments and remarks regarding the sponsors' issue, the AB members' involvement in the work and the whole time schedule.

10. Budget Execution 2015 and transfer of appropriations

The Commission wished to know the state of play on the open audit recommendation issued from the Internal Audit Service (IAS) in 2009 and, more specifically whether this had been already proposed for closure by ERA, whether it would be closed by IAS and when was the follow-up scheduled to take place.

The Head of Resources and Support Unit replied that the Agency had received a number of messages explaining that the procedure had been reviewed and updated a couple of times and that, currently, it had adopted. Some additional control measures were with the IAS, so that the Agency's Internal Control Coordinator (ICC) had to check each individual selection process and take specific steps as appropriate.

This procedure had to be followed in order to gather all the evidence needed in order for the IAS to be able to close the case.

Therefore, the Agency had already taken all suitable measures and was only expecting to be given the green light by IAS.

The Executive Director repeated that temporary measures had, already, been put in place and would, in fact, remain in place for as long as the IAS would need them to remain in place in order to close the case.

The Commission repeated the question on the exact time for which the follow-up had been scheduled to take place and asked whether this had been scheduled to take place during 2016 or the exact date of the follow-up remained, yet, unknown.

The Head of Resources and Support Unit answered that it had not been specifically discussed when the follow-up was about to take place, but he guaranteed that there would definitely be a follow-up scheduled for the following year and hoped that the Agency would have sufficient evidence in order to be able to have IAS convinced by the proof provided until that time.

Germany mentioned the three issues that needed to be further clarified in the framework of discussions with IAS: a) the fact that the Agency had filled three (TA/AST, full time) posts based on the same call for applications, b) the fact that recruitment related to posts of a grade higher than AD8 should require a market research, and c) the issue of compliance with the 20% threshold that had been set as regards recruitments for posts of a grade higher than AD8. It was explained that all the aforementioned issues did not have to be discussed in detail at the Board meeting, but the aspects related thereto should be clarified and communicated to the Board members subsequently.

The Head of Resources and Support Unit stated that, as far as the issue of the 20% was concerned, the Agency had a different opinion from that expressed by IAS on the calculation methods. He explained that both sides had reached an agreement that different opinions could be expressed as regards the figures.

The Agency had, at least, managed to convince IAS about its calculation methods and that it had, also, made it very clear that, if it were involved in a similar situation in the future where the risk of getting above the threshold would be possible to materialise, it would still maintain a high level of transparency and try to monitor the discrepancies on an ongoing basis.

Indeed, quite different views had been expressed on what the market analysis should entail; the Agency's point had been that, as long as it stayed to the levels which have been agreed in conformity with the Agency's Implementing Rules and used or dealt with already in the past, there was no need to prepare and embark upon, each and every time, a new market analysis.

He added that, as far as the third point made by Germany was concerned, the IAS did not imply that what had been done by ERA was illegal, although it came as a surprise that the vacancy notice, on the one hand, had provided for the establishment of a reserve list and the Agency, on the other hand, decided to ignore the reserve list, which had been already established, following the selection procedure, without having, at least, made it clear, from the very beginning, that there would be more staff to be recruited. He

explained that IAS preferred that the Agency should state, more clearly, in the future vacancy notices, its purposes, expectations and estimates on the number of people to be recruited from the reserve list.

11. ERA Achievements and highlights 2015, including international relations

The Executive Director expressed gave an overview of the highlights and achievements for 2015, a year since he attended, for the first time, an ERA Board meeting.

He explained how the Agency was approaching its activities in the field of international relations and noted, in particular, that one of ERA's strategic objectives, also highlighted by the Commissioner V. Bulc during the Luxembourg Conference, was that the Agency needed to develop the European system of standards, namely the European process for authorisation into a global reference, which, in a long-term perspective, meant that better exports, opportunities and chances to win business for the European industry outside Europe could be achieved. On the basis of that overarching objective, the Agency had already engaged in a sequence of intensive and successful discussions.

The Head of Cross Acceptance Unit presented how the Agency was acting in terms of international relations.

Railway Industry (RI) thanked the Agency for all the work that had been made on the international field and, mainly, for supporting, all these years, the EU railway industry exports all over the world. It noted that all these international activities were really time-consuming. It was explained, that there were priorities and that certain of them that had been already presented by the Agency could, in a long-term perspective, prove useful. However, it suggested that the Agency should adopt a more balanced approach and concentrate all its efforts in engaging with discussions with certain key partners.

IM thanked the Agency for finally producing work on the matter and proposed that the Agency, instead of focusing on certain key regions, should work more on the ISO issue, which was considered as a very important priority. It declared that the IM fully and strongly supported membership of ERA in the ISO. Another point raised was related to the aspect of EU procurement law, which, given, especially, the role of the Agency as a "system authority" in the 4th Railway Package, was a significant issue, related to how railway components could be purchased effectively both within and outside EU, since it had discovered that most of these components are produced outside Europe.

The Executive Director pointed out briefly that, in October 2015, ERA had been accepted, in the form of an agreement, by ISO as "liaison B" and not as "liaison A", as it had originally been intended, mainly due to the opposition expressed by some Member States of ISO and, in particular, of some European states.

UK noted that the work of the Agency in the field of international relations was extremely important for EU railway system to work effectively, a strong supply chain would be needed, among others and EU had already proved its ability to effectively engage in the global competition.

It observed that the Agency's approach was aiming at building partnerships with states that had been already investing massively on railways, in order to promote the European standards and encourage for their global adoption; otherwise, if it could turn out that something else would become the global standard and all the work that had been done on TSIs would be for nothing. Therefore, it concluded that ERA should be strongly supported in this field.

Germany expressed its intention to support the Agency's approach to international relations and recommended that the Agency should aim at disseminating European standards outside Europe in the framework of international cooperation. It was explained that, as far as OTIF was concerned, a series of activities went, more or less, in a similar direction and, that, at the national level, there had already been contacts with Member States outside the EU.

Germany pointed out that international relations should have bidirectional effects. It was mentioned, for instance, that its NSA, in response to requests from Chinese authorities, which had tried to find out more about the procedures followed for vehicle or product authorisation, provided information to them with the aim to support its national industry in entering the Chinese market. However, it was admitted that when their Chinese colleagues had been asked to provide some information on national authorisation processes, e.g. on whether similar transparent procedures for authorisation had been put in place, they were not as willing as their European counterparts to provide such feedback, something which was really harmful for its national industry.

For that reason, Germany concluded that it was important to ensure that there was something to be given in return to ERA when being asked to provide information to its non-EU counterparts. It suggested that the Agency should persist in entering in an exchange of knowledge with its counterparts and noted that it would not support the Agency's idea of exporting European know-how outside the EU and opening the European market for competitors outside the EU, if there was nothing to be expected in return.

The Executive Director, in reply to the remark made by Germany, referred to the discussions that had taken place in China, at the beginning of October and mentioned that the Agency had made it clear that its approach to standardisation had to be counterbalance by the readiness of its Chinese counterparts, firstly to disclose their approach to standardisation and, also, to have a real opening of the markets without the current restrictions that could only be bypassed with the "tool" of a Chinese company or of a joint venture. He considered that this had been a very key principle applying to all of the Agency's international discussions; the Agency should share its experiences with other partners, but, also, take what they will be offering in return.

Denmark observed that, during the 12th General Assembly of OTIF, the same topic had been also brought up and noticed that it was mainly the issue of rule harmonisation on the long corridors that had been raised, so it suggested only taking up that issue at a later stage, together with the members of the Board.

Railway Undertakings mentioned that, whatever the type of the international relation building partnerships should, in no way, be pursued to the detriment of the internal priorities that the Agency

needed to achieve in that field, mainly as regards the cross acceptance procedures and the cleaning up of the national rules, which were the main priorities for the European sector to proceed with, due to limited resources.

Netherlands stated that these priorities (activities) should be approved as they were presented, and that the harmonisation of technical standards was a topic currently under discussion in many forums and suggested to elaborate the EU standards taking, also, into account the OECD paradigm.

The Head of Corporate Management and Evaluation Unit highlighted what Germany had mentioned, namely that, from a strategic point of view, it should be borne in mind that “market opening without tit for tat would be a suicide”, because the consequences had already started to become apparent.

Regarding the Executive Director’s one-year perspective in this job position, the Commission took the opportunity to inform the Board that in the summer, both the Chair and the Representative of Finland had undertaken the task of preparing the first formal evaluation of the newly appointed Executive Director and although the mission had been a difficult one, mainly in terms of the content of the evaluation, but the final result had been extremely positive.

Furthermore, the Commission highlighted a few aspects which had helped a lot the Agency to establish partnerships with all the actors involved in its work. It underlined, firstly, that, in its opinion, the Agency had established excellent relations with the Commission, but, also, with NSAs and with the entire Sector.

Apart from building good relationships, the Agency had managed to reinforce in its engagements with all the actors thought mutual trust and transparency of its activities, mainly in terms of what activities had been performed and what had been requested by the Commission.

A second aspect was the strategic outlook that the Agency had been given and explained that the Agency did not, of course, wait for the letter of the Commissioner in order to identify the cleaning up of national rules and the safety occurrence reporting as two extremely important additional and new tasks to implement; it was wise to request for a formal amendment of the Work Programme in this regard.

The Commission noted that this had been a concrete example of the great transparency that the Agency put in its dealings and, also, as regards the work of the Agency on the 4th Railway Package, it highlighted that the activities that had been launched, the precision and diligence of the Agency in terms of defining the milestones/objectives and the different indicators that had been identified were extremely valuable

A third aspect was pointed out was the fact that, with the 4th Railway Package, the Agency was definitely and fundamentally changing its place in the entire system. The Executive Director having already accepted a high-level of responsibility required by the circumstances and by his position in the Agency; all the activities, whether they were performed in the field of ERTMS or elsewhere, had been undertaken by the Agency without waiting for the formal adoption of the 4th Railway Package and its implementation.

As far as the fourth aspect was concerned, the Commission considered that the Agency had, also,

introduced a new innovative outlook of what was done in the railway sector; what had been planned to be done on ATO, for instance, served as an example of how things could be done in Europe in a different way and, possibly, with much better results, by putting, among others, a lot of emphasis on the railway industry, on the broad objectives to be reached and not on tediously working with technical specifications.

Finally, a fifth point to be taken into consideration in the field of international relations, was that, in its view, the whole discussion on this item summarised very well the work that had been, also, performed in multilateral organisations, whether this is the ISO or the OECD or the OTIF; the Agency had already become aware of this absolute necessity, either through participating directly in the work of these organisations or through supporting the position of the Commission in these multilateral fora.

The Commission recommended that the Agency should be cautious in its international dealings and, for instance, as far as the Australian railway market was concerned, it might be interesting for the Agency to discover its potential/capacity, but whether partnership with Australian counterparts constituted a priority for ERA, at that stage, could not be seen as the undisputed truth.

Finally, it noted that the Agency could take advantage of international relations not only in order to make a difference in terms of industry and competitiveness, but, also, to work more on the aspect of safety and referred to the fact that the main reason why EASA had been urged, from the beginning, to develop strong links with FAA, had been, first and foremost, to improve the overall safety level and concluded that there were a lot to be gained from all those strategic international partnerships.

The Chairman added that he realised that these were the type of topics that should be presented and discussed in more length in the Board meetings and thanked the Commission for providing a short overview of the Executive Director's evaluation process.

12. Legislative proposals for the 4th Railway Package – State of play

The Commission announced that, thanks to the strong commitment and support of the Luxembourg Presidency, progress had been made both on the technical and the political pillar. It stated that, as far as the technical pillar was concerned, the TRAN Committee of the Parliament had formally voted for the approval of the overall result of the negotiations in the trilogues under the previous presidency; this had been put formally by the Luxembourg Presidency on the agenda of the Transports Council on the 10th of December 2015.

The Commission mentioned that the Council would, also, have the opportunity to formalise its consent to the overall agreement, which, in turn, would allow the Commission, since it was requested by the Treaty, to issue a communication, providing its view on the result, a step which had to be taken before formalising the agreement. The formalisation of the agreement would take place immediately after that,

at the beginning of the following year, the Parliament being in a position to formally hear, in a plenary session, probably around March 2016, and to formalise the agreement on the technical pillar.

The Commission added that this process coincided with the relevant legislative developments as regards the complementary “political pillar”, for which a very meticulous planning had been agreed between the Parliament and the Council, whereby the end of the discussions for a deal on the political pillar was expected to be reached in March 2016.

The Commission commented, also, that the first results of the two initial trilogues confirmed the willingness of all the parties involved to actually stick to the objectives pursued and achieve a very good result.

13. ERA Transition towards the 4th Railway Package, including Governance and Management Board – State of play

The ERA 4th Railway Package Task Force Leader made a presentation of the programme of the 4th Railway Package and, also, of the work progress that had been had made since the establishment of the ERA 4th Railway Package Task Force.

As far as the programme was concerned, the 4th RWP Task Force Leader noted that the Task Force had been established following a Decision of the Executive Director of the Agency -end of April-, that it had been a quite complex project, which involved all the different Units of the Agency and not only the operational ones; for instance there had been tasks and projects to be performed by the Resources and Support and the Corporate Management and Evaluation Unit. This meant that it was essentially all the staff members and all the Units of the Agency were involved in this programme.

The Board members were, also, informed that, once the relevant legal texts would enter into force, a 4th Railway Package Steering Group would be created, with the participation of a representative of the main stakeholders in order to be in a position to better secure all these different activities involved in the programme.

As regards, mainly, the tasks to be performed by the Administrative Board (future Management Board) of the Agency within the Task Force scope of work, the Board members were provided with a list of the new tasks that would have to be implemented by them for the preparation of the 4th Railway Package, for which the programme had established milestones and had specified the exact dates.

Firstly, the Board would have to adopt guidelines, along with a list of the main elements to be included in the cooperation agreements, to be concluded between the Agency and the NSAs by December 2017, at the latest. These documents would form the basis for drafting the specific cooperation agreements that they Agency would have to sign with all NSAs. He, also, announced the adoption, by the Management Board, of the technical and functional specifications -and of a plan- for the One Stop Shop, in the future

and, in any case, by June 2017, something which would allow the Agency to have some development regarding final specifications by the end of 2017, and recognised that this was both a very complex and challenging work programme.

Thirdly, the future Management Board would have to adopt a framework model for the financial apportionment of the fees and charges payable by applicants; the Commission would introduce and implementing act and deliver a proposal, before the Agency could be able to forward to the Board members its proposal on the financial apportionment of fees and charges, so the relevant framework model could only be adopted when the implementing act of the commission would be voted, something which was foreseen to have been completed by December 2017.

As far as the Boards of Appeal were concerned, the future Management Board would have to adopt rules for the prevention and management of conflicts of interest in respect of its members and, also, of the members of the Boards of Appeal until September 2017. Also, the members of the Boards of Appeal would have to be appointed, a task which should have been completed by September 2018, in order for the Agency to be able to perform its new tasks at the beginning of 2019.

In addition, it was guaranteed that, on proposal by the Agency, there would be a consultation between the Commission and Board members before the establishment of the rules of procedure of the Board (s) of Appeal, which was foreseen to have been completed by March 2017.

The members of the Board were, also, informed on some other tasks, which fell outside the scope of the Task Force, but nevertheless formed part of the overall programme and had to be performed by them in the immediately following years. The main issues / plan of the new governance structure of the Management Board (MB) in view of the adoption of the new Agency Regulation under the 4th Railway Package were presented to the AB members.

It was announced that the Agency had been working since some time in order to make an analysis of the precise impact of the upcoming legislative framework on the organisation and functions of the Board.

It was explained that a Management Board would succeed the Administrative Board of the Agency on the day of the entry into force of the new Agency Regulation; for this succession to take place no specific legal act was required, which meant that the Administrative Board, immediately after the entry into force of the new Agency Regulation, would be replaced automatically by a Management Board.

As regards the decisions to be taken by the Board during its first meeting (as Management Board) after the entry into force of the new Agency Regulation (or by written procedure before the first MB meeting), it was mentioned that the Management Board would have to perform the following tasks: a) update (or rewrite) its Rules of Procedure, b) adopt a Mandate for the Executive Board –to be incorporated in its the Rules of Procedure, c) adopt the Rules of Procedure of the Executive Board, and d) adopt a delegation of Appointing Authority (AA) and Authority Empowered to Conclude Contracts (AECC). The significance of the four aforementioned tasks was highlighted and it was pointed out that all these were tasks that had to

be performed by the Board as soon as possible; that is the main reason, for which the Agency had, also, provided for the possibility to adopt by written procedure some of these decisions, at least the one related to the Delegation of Appointing Authority (AA) from the Management Board to the Executive Director.

It was announced that the drafts of these decisions would be made available to all the Board members well before the date of the adoption of each of each act and that the Agency was about to start working on those drafts, in order to be able to present to discuss the issues involved therein at the Sub-Committee's meeting to be held in January 2016.

Therefore, depending on whether the first Management Board meeting would be scheduled for March or June 2016, its members would be given enough time before the meeting to read the documents and prepare for the meeting.

Furthermore, it was observed that one of the decisions that needed to be taken, in order for the new structure of the Executive Board to be introduced, is the adoption by the Board of a decision on the appointment of the members of the Executive Board and the determination of the duration of their mandate. The Board members were reminded that the Executive Board would be composed of the Chair of the Management Board, four (4) representatives of the Member States and one (1) representative of the Commission and that it was supposed to replace the Sub-Committee, after the entry into force of the new Agency Regulation and when its members would be appointed.

It was acknowledged that the Executive Board had been a new element introduced by the new Agency Regulation in the organisational and management structure of ERA, in the sense that the previous Agency Regulation did not provide for the establishment of such a body, its main tasks being to prepare the decisions to be taken by the Management Board and, when necessary, i.e. on grounds of urgency, to take certain provisional decisions on behalf of the Management Board, in particular on administrative and budgetary matters, subject to a specific mandate received by the Management Board. All these details would be included and written down in the Rules of Procedure of the Executive Board.

As for the decisions to be taken during the second meeting of the Management Board after the entry into force of the new Agency Regulation, it was noted that the Management Board would have to decide on the main procedures to be applied for the adoption of the Single Programming Document (SPD), which would include, among others, the consultation of relevant stakeholders. The Agency had already started implementing this, though not yet in a regulated method and the relevant MB decision would have to be adopted by written procedure.

Furthermore, it was announced that the Agency would present to the Management Board communication and dissemination plans, for which, at that moment, there had been a legal basis in the new Agency Regulation, compared to the previous one, which did not include any legal basis for these plans whatsoever. The Management Board would also have to adopt, during its second meeting after the entry into force of the new Agency Regulation decisions on the following matters: a) policy, working methods

and procedures for visits, audits and inspections, b) rules and scales relating to travel and subsistence expenses of members of working parties, c) public access to documents – practical measures, and d) transparency measures for accessibility of information on interoperability, safety processes and other issues on the Agency's website. Currently there were in place texts as regards the above-mentioned issues, but they would have, of course, to be updated, in order to take into consideration the new provisions of the 4th Railway Package.

It was estimated that there might be some chances for the second Management Board meeting to be held in November 2016 and that, in this case, the Board would have to adopt, in addition to the Single Programming Document (SPD), the Multi-Annual Programming by a two-thirds majority and after consultation of the European Parliament.

During its third meeting after the entry into force of the new Agency Regulation, the Board would have to adopt decisions on the following issues: a) impact assessments methodology for recommendations and opinions, b) language requirements (a unanimous Board decision would be required if requested by at least one Board member), c) rules on Seconded National Experts (SNEs), d) Rules of Procedure of the Agency's working parties and groups, including transparency rules, and e) Anti-fraud strategy. As regards the last item, it was explained the aim was to update the Anti-Fraud Strategy that ERA had adopted in 2015, in order to make it compatible with the new framework.

Similarly, a consultation of the Executive Board on the drafts of the aforementioned decisions would take place in advance, around January 2017, depending on the date of the actual adoption of the new Agency Regulation.

One of the decisions to be adopted by the Management Board during its fourth meeting after the entry into force of the new Agency Regulation, concern the issue of Conflicts of Interests (CoI) rules for Board members, working parties and staff not covered by the Staff Regulations; the relevant legal texts had already been adopted, at least as regards members of the Board and members of staff, but they would have to be updated, and a new CoI policy would have to be created as regards the working parties' experts. Also, the procedures for cooperation by the Agency and its staff in national judicial proceedings was one of the issues to be decided upon by the Management Board during its fourth meeting after the entry into force of the new Agency Regulation; it was clarified the Board would have to decide in case the immunity of the Executive Director would have to be lifted if judicial proceedings were brought against the Agency.

A third decision to be taken by the Management Board during the same meeting would be the approval of the Headquarters Agreement- one year after the adoption of the new Agency Regulation, which had not been put yet in place; only if the adoption of the Headquarters agreement would not have been completed by then, the Board would have to be consulted before it the signature of the agreement.

Finally, during its fifth meeting after the entry into force of the new Agency Regulation, the Management Board would be presented with and decide on the Conflict of Interests (Col) rules for the members of the Boards of Appeal.

It was concluded that there had been, more or less, twenty actions to be performed by the Board -a more detailed analysis of these actions had been produced and made available on the Extranet, mainly consisting of an overview list of all MB powers which would be updated as soon as more feedback on the exact date of the entry into force of the new Agency Regulation would be made known.

It was planned that during the next Board meetings the work that it had already started will be presented in detail according to the calendar proposed.

The Task Force Leader summarised that the transition towards the 4th Railway Package was not going to materialise without the support of the Board members and emphasised that during the years 2016-2017 there would be a lot of work to be done by the Board in order to enable the Agency to deliver its tasks in 2019.

The Chairman thanked the Task Force Leader for providing a quite broad, comprehensive and impressive overview of the activities undertaken by the Agency in preparation of the 4th Railway Package.

The Chairman of the Sub-Committee/UK admitted that a Sub-Committee meeting had been specifically convened in September in order to discuss on this issue, to which it had devoted most of its meeting time. It reminded that the Task Force Leader had given a detailed explanation of the plan, that it had been recognised that this was a very critical issue for ERA as an organisation -and not just a matter to be discussed at the Sub-Committee and, in the future, at the Executive Board- and that the discussions at the Sub-Committee meeting had been mainly focused on the overall management of the whole programme and, in particular, on identifying the issues that would be important for the Board.

He expressed the opinion that the work produced so far in the field had reinforced the Board members' confidence that there was a plan to be followed and that the most complex issues involved in the programme had been identified and, at least, included in the plan, in order to be addressed more effectively.

It noted that a first key issue would be resourcing and making sure that each Head of Unit within the Management Team realised that this programme was not only the Task Force Leader's project, but a project concerning all staff members.

A second important aspect related to the interdependences that were about to be developed, taking into account the great risks lurking when details should be agreed and decisions should be taken in a context other than the AB meetings, e.g. at the RISC Committee meetings, in order to be implemented by the Agency. The third aspect concerned the risks associated with One Stop Shop (OSS), since this project was made out of the classic "ingredients" of an IT project –where the requirements were not always clear–

that should be developed from scratch. It was noted that the Regulation left a lot to be decided and suggested that, although the Task Force Leader had clearly identified this as issue to be carefully looked at, both the Sub-Committee and the Board should follow the processes related thereto as closely as possible.

Austria wished to thank the Task Force for having done an impressive work and noted that what was presented by the Task Force Leader was a good overview of the upcoming tasks to be implemented in the context of the practical implementation of the 4th Railway Package for all the actors involved therein.

Moreover, it noted that the technical pillar of the 4th Railway Package had already been finalised and was ready for publication, except for one point which would be discussed in the Council meeting in December 2015 and asked the Commission whether the 4th Railway Package would be published as a whole, which, in fact, meant that a final agreement should be reached on all of its parts or the 4th Railway Package would be divided into distinct parts, the technical pillar being separated from the political pillar, which meant that the technical pillar would be published earlier, in order to save time until the political/market pillar got finally published.

The Commission, in reply to Austria's comment, pointed out that the texts would, indeed, be included in the Council agenda on the 10th of December 2015, which meant that the work of the jurists-linguists had been completed, therefore from that point in time ahead, the texts would not be subject to change and should, actually, be forwarded for a formal vote at the European Parliament, probably in March 2016, and guaranteed that the legislative work was being delivered according to plan and that, until that moment, it was following the normal procedure.

Finland thanked the Task Force Leader -and the entire Task Force team- for the presentation and observed that what had been presented was a quite impressive and extensive programme, which required a lot of effort in order to ensure that the plan would be completed on time.

It noted that the decisions to be adopted by the future Management Board were quite important legal texts and that it was initially intended to have a preliminary check of the drafts within the Sub-Committee.

Account taken of the significance of these legal acts, Finland proposed to have a wider circulation of the relevant drafts, at an initial point, so as to give the Board members the possibility to have a previous look at the proposed texts and forward any comments they might wish to make. The aim was that since all the Board members would read very carefully these drafts and procedures, i.e. the involvement of the Board in the process of drafting its decisions, this could save a lot of time during the discussions and decisions to be taken at the following Management Board meetings.

The Chairman thanked Finland for its comments and added that this idea had been already put forward, somewhat differently, in the detailed programme that was available, in the form of list, on the Agency's Extranet and, therefore, in his opinion, formed actually part of the overall planning.

He mentioned that the summary of the ERA transition towards the 4th Railway Package that had just been presented to the members of the Board was the product of an impressive work performed by the Agency, with the Sub-Committee getting strongly involved in the process and the Management Team focusing its discussions on the programme.

He admitted that there were challenging times ahead, but felt very confident, as Chairman of the Board, that the Agency's transition towards the 4th Railway Package had been meticulously planned and organised and that, in the coming years, ERA would finally complete this project-programme and achieve very good results.

He thanked all those who had been actively involved in the programme and promised to continue addressing the issues related thereto in the following meetings, both at the Sub-Committee and at the Board.

The Commission stated that the Council meeting, which was initially scheduled for the 25th and 26th of November, had to be postponed for a few days and that it would take place on the 10th and 11th of December, the major point of interest being the selection of the Executive Director, and hoped that this delay would not affect the starting date of the work to be done, namely the 1st of March 2016.

14. ERA Approach to Research and Shift2Rail – State of Play

The Head of Cross Acceptance Unit made a brief summary of the ERA's approach to research, with a primary focus on Shift2Rail.

He stated that ERA had been involved in research, first and foremost, in order to get some answers for the open points on TSIs.

Currently, as Shift2Rail delivered its results, the Agency was looking forward enabling some of these innovative solutions to be covered in future TSIs, e.g. the composite materials.

Through its involvement in Shift2Rail and research projects, the Agency would make sure that the output of this innovation would be easily assimilated by each of the TSIs, an approach which had been followed very recently with some other ERA projects and had to be maintained with Shift2Rail, too.

The Commission admitted that the contribution of ERA had been absolutely critical in ensuring the quality of the programme as it stands and in building up the Master Plan, which was intended to serve as an overall broad deployment plan of all these new technologies in the Single European Railway Area and suggested that the Agency should maintain its central role in this field.

The Chairman mentioned that he also appreciated, in particular, the focus of ERA on delivering work that would benefit the Single European Railway Area in general, and, also, the Agency in terms of closing the open points.

The Head of Cross Acceptance added that account should be taken not only of the work produced within the Cross Acceptance Unit, but, also, of the contributions made by other Units of the Agency, which had to fit this project in with all other tasks and concluded that what was presented had been mainly the product of a good and efficient team effort.

15. Proposal from Denmark for optimization of ERA meeting rooms possibilities

Denmark addressed a proposal mainly to the Commission, its substance being the issue of availability of meeting rooms. It admitted that this proposal did not intend to trigger a long discussion at the Board; its purpose was only to point out an issue that might be solved within a long-term perspective and not directly by the Board members.

Denmark reminded that the EU has 34 decentralised Agencies, established in several Member States and that some of these were not very easy to reach, in terms of geography, unless much time was spent in travelling.

In such cases, it was noticed that representatives from Member States might choose to refrain from participating, particularly, in the numerous working groups, something which could lower the quality of work and, perhaps, slow down (or even postpone) the process of producing legal acts.

It explained that some of the Agencies were located in a given Member State but relevant meeting rooms may be found in other Member States.

Denmark pointed out that this issue had not been something dealt with in the previous report on EU decentralised Agencies, which had been issued in April 2015 and this omission was exactly what had urged Denmark to make this proposal to the Commission, namely to consider whether a strategic approach should be followed on the matter and, more specifically, whether it would be beneficial, in a long-term perspective, to establish a collective administration, administering meeting rooms in one building for all decentralised Agencies within the Commission, in one place, presumably in the outskirts of Brussels.

Denmark suggested that the adoption of this proposal could ensure and facilitate the participation of more representatives from Member States, particularly, in working groups, could, also, facilitate back-to-back meetings in Brussels for some of them who could be already at that place, from time to time.

Furthermore, it would also relieve the Agencies of the purely administrative business of arranging the meeting rooms, and, perhaps, concentrate budgeting for meetings rooms in one place.

Denmark concluded that within this proposal there might be specific aspects to consider and that its suggestion put forward, in its view, a better approach to use, in a broad sense and a very long-term perspective.

It was also clarified that this proposal was exclusively addressed to the Commission.

The Commission, in reply to the proposal made by Denmark, observed that one of the main ideas behind the decision to place the decentralised EU Agencies all around Europe was, also, to make sure that there would be no cities, where the EU Institutions had, already their seats, such as Brussels, Strasbourg and Luxembourg, that might be overburdened with additional meetings.

The Commission admitted that this position had not been included in the previously mentioned general approach and did not see the possibility for it to come up in the nearest future. It was explained that this was the reason why the Commission had been strongly supporting that position, i.e. that the meetings both of the Governance Bodies of the Agencies and, also, of the working groups, should take place closely to the Agencies' seats.

The Commission realised both the rationale and the effectiveness of the proposal of Denmark, but it doubted seriously whether choosing Brussels as the place for holding ERA Board meetings would be really efficient, considering a number of factors, such as the costs; travel connections might be easier, but the Agency itself (and not the Commission) would still have the responsibility for all the administrative arrangements. In that sense, the Commission concluded that it did not think that the proposal would significantly relieve the Agency of any administrative burden.

The Commission pointed to the existence of some EU Agencies that maintained premises in Brussels, for which they covered the costs, and noted that, in fact, there were some meetings taking place in Brussels for some of those Agencies e.g. CEDEFOP, Frontex, etc.

However, this was not the case for ERA. Since the discussion revolved around a proposal for adequate meeting rooms with all the interpreting facilities provided in a more convenient location, something which might be considered time-wise it was, it was considered that in reality this could not be a quite cost-effective solution.

The Commission concluded that, looking into the nearest future, it did not see the possibility to change the approach that had been followed until today as regards the meetings rooms' facilities.

France stated that the proposal made by Denmark could not apply in cases of high-level participation, such as the ERA Administrative Board and explained that very few Member States, with the exception of Malta and Cyprus, have not been able to participate in the ERA AB meetings. It added that, in any case, the choice of Lille-Valenciennes as the Board meeting place could be traced back to a decision made by the European Council in December 2003, therefore it did not see the point in discussing the matter outside the European Council and agreed with the Commission that the meeting rooms in Brussels were overloaded.

France proposed that the Agency could also be flexible in the organisation of Board meetings between Lille and Valenciennes; for instance, some meetings of Sub-Groups could be held, at an ad hoc basis, in other places.

France concluded that, as regards the Board meetings, the proposal of Denmark was not be easily applicable and admitted that making Brussels the centre for all decision-making should be avoided; it was important that the Agencies remain close to their seats.

The Chairman summarised the suggestion addressed to the Commission by Denmark and the responses made to it by the Commission and the France and observed that this was not a matter left for the Board to decide upon, at least for the near future.

16. Public Declarations of Interests (PDols) and CVs of ERA AB members

The Chairman gave a short update regarding the issue of the Public Declaration of Interests (PDols) and CVs of the members of the Board. He urged all AB members who had not, yet, submitted their Public Declaration of Interests and CVs to do so by the 15th of December 2015 and announced that, until the time of the meeting, 59 CVs and 41 PDols (out of 64 CVs and PDols in total) had already been submitted to the Board Secretariat. He, also, informed the members of the Board that the review panel for the PDols held its first meeting in September 2015, made an initial scrutiny of the PDols that had been submitted until then and found no conflict of interests and promised to give again an update at the AB meeting in March 2016, provided that all PDols would be collected by the end of 2015, so as to arrange a meeting with the review panel in January and have the process completed.

17. Meeting dates for 2016

The next Administrative Board meeting shall take place on the 31st of March 2016 in Valenciennes together with the workshop on the SPD 2017.