



TERMS OF REFERENCE

OF THE COMMISSION EXPERT GROUP ON

THE COMPETITIVENESS OF THE RAIL SUPPLY INDUSTRY

1. Background

In its resolution of 9 June 2016 on the Competitiveness of the European Rail Supply Industry (RSI) (2015/2887 (RSP)), the European Parliament suggested that a structured discussion at European level on the horizontal challenges and the effects of EU policies on the competitiveness of the RSI would be useful. The resolution highlighted the triple dimension of the competition the RSI is facing: intermodal, international and sometimes even intra company.

The European Commission supported this resolution, and in 2018 the Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs ('DG GROW') set up an expert group on the competitiveness of the RSI ('the group'). The original mandate of the group expired at the end of 2022, and was extended until 31 December 2025.

2. Tasks

The group's overall mission shall be to assist and advise the Commission in promoting the competitiveness of the EU Rail Supply Industry (RSI). The group shall identify and evaluate the challenges faced by the RSI, and discuss how to maintain its global leadership, strengthen the resilience of the industry and facilitate its green and digital transition, in line with the EU new industrial strategy ⁽¹⁾.

The group's specific tasks shall, *inter alia*, be:

1. to provide the Commission with general assistance and recommendations on measures to further strengthen the competitiveness and resilience of the sector and to help the sector adapt to the challenges related to green and digital transition, taking into account specific needs of SMEs;

⁽¹⁾ COM(2021)350 final

2. to provide the Commission with advice in the preparation of legislative proposals and policy initiatives impacting the RSI;
3. to assist the Commission with a view to contributing to the implementation of the mobility ecosystem transition pathway and suggest relevant actions, commitments and projects in this context;
4. to discuss the evolution of the competitiveness of the RSI, of its resilience and adaptation to the green and digital transition.

The group shall not duplicate the activities and discussions that take place in other fora of the European Commission, the European Union Agency for Railways or the Europe's Rail Joint Undertaking.

3. Consultation

The Commission may consult the group on any matter relating to the competitiveness of the rail supply industry.

4. Membership

1. The group shall be composed of up to 60 members.
2. Members shall be Member States' authorities, other public entities and organisations. Member organisations shall be, inter alia, federations, associations and companies, from the rail sector and non-governmental organisations, including those representing consumers, with at least 50% of their activity taking place in the EU as determined by production and turnover data and having their corporate headquarters, as well as their rail-related division(s), in a Member State of the European Union.
3. Members shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise.
4. Member organisations who are no longer capable of contributing effectively to the expert group's deliberations, who, in the opinion of DG GROW, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

5. Selection process

1. Member States' authorities and other public entities shall be appointed as members by direct invitation.
2. The selection of member organisations shall be carried out *via* a public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups')². In addition, the call for applications may be published through other means, including on dedicated websites. The call for

² Calls for applications are not used to select Member States' authorities and other public entities, as well as representative bodies established by Union legislation for advice in specific areas. See Art. 10.1 of the horizontal rules.

applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks.

3. Registration in the Transparency Register is required in order for organisations to be appointed.
4. Member organisations shall be appointed by the Director-General of DG GROW in agreement with the Director-General of the Commission's Directorate-General Mobility and Transport ('DG MOVE') from specialists with competence in the areas referred to in points 2 and 3 and who have responded to the call for applications.
5. Members shall be appointed for 2 years. They shall remain in office until replaced/until the end of their term of office. Their term of office may be renewed.
6. The Chair shall establish a reserve list of suitable candidates that may be used to appoint members' replacements. The Chair shall ask applicants for their consent before including their names on the reserve list.

6. Chair

The group shall be co-chaired by a representative of DG GROW and a representative of DG MOVE.

7. Operation

1. The group shall act at the Chair's request, in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules')³.
2. Meetings of the group shall be held on Commission premises or virtually, depending on the circumstances.
3. DG GROW shall ensure the Secretariat of the expert group in consultation with DG MOVE.
4. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
5. In agreement with DG GROW and DG MOVE, the group may, by simple majority of its members, decide that deliberations shall be public.
6. Minutes on the discussion on each point of the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
7. In principle, the group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. The members that voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

³ See Article 13.1 of the horizontal rules.

8. Sub-groups

1. DG GROW, in agreement with DG MOVE, may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined jointly by DG GROW and DG MOVE.
2. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
3. The members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with Point 5 and the horizontal rules.
4. Sub-groups shall be co-chaired by representatives of DG GROW and DG MOVE, taking into account their respective competencies.

9. Invited experts

DG GROW, in agreement with DG MOVE, may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an ad hoc basis.

10. Observers

1. Organisations and public entities other than Member States' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers' representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group and its sub-groups.

11. Rules of procedure

On a proposal by and in agreement with DG GROW and DG MOVE, the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules⁴.

12. Professional secrecy and handling of classified information

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom)

⁴ See Article 17 of the horizontal rules.

2015/443⁵ and 2015/444⁶. Should they fail to respect these obligations, the Commission may take all appropriate measures.

13. Transparency

1. The group and its sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As concerns the group and sub-groups composition, the following data shall be published on the Register of expert groups:
 - a. the name of Member States' authorities;
 - b. the name of member organisations; the interest represented shall be disclosed;
 - c. the name of other public entities;
 - d. the name of observers.
3. DG GROW shall make available all relevant documents, including the agendas, the minutes and the participants' submissions, either on the Register of expert groups or via a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be possible where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001⁷.

14. Meeting expenses

1. Participants in the activities of the group and its sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by one participant per Member State in the activities of the group and its sub-groups shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

15. Applicability

These Terms of Reference shall apply until 31 December 2025.

Done in Brussels on 7 March 2024.

⁵ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁶ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

⁷ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.