



## LETTER OF COMMITMENT

### Disclaimer

*The final Letter of Commitment will be signed upon the negotiation between the EU-Rail's Executive Director and each selected candidate, further to the approval by the Governing Board and endorsement by the Commission's of the final selection list of EU-Rail's associated members.*

### **From [JU member] to the Europe's Rail Joint Undertaking**

[Name of the legal entity/candidate Member], [legal status and country of registration], established in [address], represented for the purpose of signing this letter of intent by [name and function] (hereinafter 'the associated member' or "candidate Member");

Referring to Council Regulation (EU) 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe (the "Horizon Europe Regulation"), and in particular Annex III (1);

Referring to Council Regulation (EU) 2023/1782 of 25 July 2023 (the "Single Basic Act") and in particular Title IV of Part II (Europe's Rail Joint Undertaking);

Referring to Article 87(1)(c) related to the Europe's Rail associated members of the Single Basic Act thereof,

Hereby confirms its intention to the following:

#### **1. Accession to Europe's Rail Joint Undertaking**

The candidate Member hereby confirms its intention to accede as a Member other than the Union to the Europe's Rail Joint Undertaking, as per Article 87(1)(c) of the Single Basic Act, and to endorse the provisions of Part I, Title IV of Part II and Part III of this Regulation.

#### **2. Contribution of the Members other than the Union**

The candidate Member acknowledges that as referred to in Article 89 of the Single Basic Act, the Members other than the Union of Europe's- Rail Joint Undertaking shall jointly commit to make or arrange for its constituent or affiliated entities to make a total contribution of at least EUR 600 000 000, including up to EUR 24 000 000 for administrative costs over the period set out in Article 3. These amounts may be amended in application of Article 11 of the SBA.

The Member's individual financial contribution to the Joint Undertaking, including its contribution to administrative costs of Europe's Rail, is described in Annex 1. The conditions for the payment of the financial contribution shall be set out in a financing agreement with Europe's Rail.

The Member's individual in-kind contribution is described in Annex 2.

The descriptions of the contributions indicated in Annexes 1 and 2 may be amended by the candidate Member under the letter of commitment process and subject to approval of the Governing Board, on a proposal from the Executive Director.

### **Additional commitments**

Any additional commitment may be specified in Annex 3.

#### **SIGNATURE**

For the Member,  
[Name]  
[Legal entity]  
[Function]

Signature: \_\_\_\_\_

Done at ... , on ....

## ANNEX 1 – MEMBER'S IN-KIND CONTRIBUTION TO EUROPE'S RAIL JOINT UNDERTAKING<sup>1</sup>

1. Overview of the candidate Member's indicative overall in-kind contribution<sup>2</sup> to the Europe's Rail Joint Undertaking:

Total in kind contributions <sup>3</sup> (EUR) (sum of IKOP and IKAA)	Total IKOP <sup>4</sup> (EUR)	Total IKAA <sup>5</sup> (EUR)

2. As detailed in the Application Form attached hereto as Annex 2.

<sup>1</sup> Only the main corporate entity may be listed, without the breakdown of affiliated entities; however, the estimate must take into account the contribution of the affiliated entities expected to contribute to the programme.

<sup>2</sup> The types of in-kind contributions (IKOP and IKAA) are laid down by Article 2 (Definitions), Article 11 (Contributions from Members other than the Union and contributing partners) and Article 90 (Scope of additional activities) of the SBA Regulation.

<sup>3</sup> The candidate Member's indicative overall in-kind contribution to the Europe's Rail's Joint Undertaking.

<sup>4</sup> Pursuant to Article 2(8) of the SBA, in-kind contributions to operational activities' means contributions by private members, constituent entities, or the affiliated entities of either, by international organisations and by contributing partners, consisting of the eligible costs incurred by them in implementing indirect actions less the contribution of that Joint Undertaking and of the participating states of that joint undertaking to those costs. Estimate to be based on the applicable Horizon Europe funding rates for Innovation Actions, i.e., 70% direct costs + 25% indirect costs, and 100% direct costs + 25% indirect costs for non-profit entities. To consider that Members are expected to significantly contribute to Flagship Project, where the funding rate is reduced in accordance with the SBA, and the last call for Flagship Project entailed a funding rate of 60% at project level.

<sup>5</sup> Pursuant to Article 2(10) of the SBA in-kind contributions to additional activities' means contributions by the private members, constituent entities, or the affiliated entities of either, and by international organisations, consisting of the costs incurred by them in implementing additional activities less any contribution to those costs from the Union and from the participating states of that joint undertaking. The candidate Member's indicative overall in-kind contribution to additional activities to the Europe's Rail Joint Undertaking. A high-level description is needed at this stage while more information will be required in case of selection under the "Additional Activities Plan" that will be annexed to the EU-Rail Work Programme as approved by the Governing Board.

## **ANNEX 2 – SELECTED APPLICATION FORM**

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### **ANNEX 3 –ADDITIONAL COMMITMENTS**

OPTION [Any additional commitment may be specified under this section]

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