

PILOT EVALUATION REPORT -

D.T2.1.6 PILOT #2

ITL (PP8) - RER (PP10)

Work paper

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1. Introduction

ITL Foundation (PP8) and Emilia-Romagna region (PP10) are responsible for the development of Pilot Action #2. The pilot action focused on the Emilia-Romagna Intermodal Cluster (ER.I.C) which scope is to sustain the intermodal transport through collaborative initiative in strategic areas, namely: Education&Training, support to Internationalization activities, activation on innovation projects. Today, the members of ERIC are the Ravenna Port Authority, terminal operators, railway undertaking and the managers of the main regional freight villages and intermodal platform.

The aim of the Pilot Action #2 is to review the collaborative scheme of the regional intermodal cluster fostering the definition of the main scope, rules and responsibility. The pilot action supports the ER.I.C's transition from informal network to a more formal entity.

Once the examination of different law models was carried out, ER.I.C members agreed that cluster activities should be carry on according two-level approach:

- Level 1: general agreement among public authorities and public and private logistic companies for the development of collaborative initiatives regarding strategic areas (i.e. training, UE financing, cluster internationalization activities) with pivotal activity carried out by Emilia-Romagna Region and with the technical support of ITL Foundation
- Level 2: business agreement (rete di imprese - network of companies) among public authorities and public and private logistic companies for increasing business opportunities on freight intermodal transport.

The government of Emilia-Romagna Region (Delibera Num. 1934 del 21/12/2020) formally approved the general agreement and the general structure of the network contract has been drafted.

The final Pilot Action focused on the definition of a set of internal rules for ER.I.C. and the finalisation of the Pilot video, that will be used as communication tool in order to disseminate the project activities.

2. The main results achieved

The main results achieved are as follows:

- A) A network framework agreement of cluster ER.I.C. (public administrations and entrepreneurs) was approved from the regional government and signed with new objectives (comparing with the past agreement), with special reference to developing collaborative and active contributions to the development of rail transport.

In accordance to Italian law 175/2016 no new institutionalized association was made: it was decided to develop closer connection inside the network using a mandate scheme instead of a company scheme. Frequency of meeting, information exchanges, possibilities of development with new partners in the cluster and more control on partners' actions was introduced with a detailed network regulation. No fixed expenses or costs will be in charge of ER.I.C. Membership.

An internal regulation of ER.I.C. cluster was defined and written to allow more efficiency in the action of the cluster, regulating how decisions are taken, the roles on how to enter and exit cluster, power of the representative of the cluster

- B) A network agreement (contratto di rete) was written to allow closer contacts and coordinated actions on the market only for the entrepreneurs
- C) A dedicated Pilot's Video was realised in order to disseminate the activities realised and to increase the knowledge about the REIF project and its pilot' activities.

3. Pilot action description

The following activities were realised within the pilot action:

- Analysis of the possible regulation issues for developing ER.I.C.'s governance
- Definition, sharing and approval among ERIC' members of new network agreement (PA and entrepreneurs)
- Definition of new network regulation agreement (PA and entrepreneurs)
- Identification of new network agreement (only for entrepreneurs) for possible future economic activities
- Definition of concept, content, realisation of video to transfer the results inside the project partnership and outside to regional and international audience.

In particular, the agreements defines:

- What are the characteristics that companies must have to enter in ER.I.C.
- The main purposes of ER.I.C. by identifying the cooperation rules to achieve those purposes
- How to keep a constant commitment of the parties to exchanging information and cooperating.

The legal principles that inspired the new agreement are:

- it was not advisable under d.lgs 175/2016 to develop a new body: the law encourages the suppression of any body not strictly necessary for public purposes

- it was therefore decided to develop a contract model, on the basis of a mandate contract (cc art. 1703 ss), to allow coordinated efforts

Going to more in detailed, the network institutional agreement of cluster ER.I.C. (see annex nr.1) signed by Public administration and private regional intermodal firms, describes:

- Purposes of the agreement (art. 3): diffusion of knowledge (innovation and safety in particular), participating in regulation.
- Definition of set of activities to reach the main purposes (art. 4): education, trade fair activities, development of projects also in Eu framework, with specific support of Emilia Romagna region (art. 5), cooperation to common projects with activities of all the members of ER.I.C. (art. 6).
- Operational rules about the cluster were defined i.e. the frequency of regular meetings (every 3 months) (art. 8), in order to push the collaboration, etc.
- The time horizon of the new cooperation scheme was settled on 2025 (art.10)

As regards the internal cluster agreement among Public administration and firms (see annex nr.2):

- The cluster's plan of activities must be made with the consent of all the participants (the cluster is not a company and its not possible to use the majority principle for deciding the fundamental activities of the cluster).
- Emilia Romagna region represents the cluster (art. 2 and 3), as the represented of the whole initiative and the general interest of the regional intermodal transport system.
- It is possible for the members of the cluster to authorize dedicated teams working on specific projects (art. 6), in order to keep the possibility to develop projects, which can interest only a part of the membership.
- Meetings have no minimum majority and can be held by mail (art. 5), to avoid any kind of bureaucratic obligation.
- Eventual costs are shared based on unanimous consent (art. 7), in order to respect the law on mandate.
- Entering or leaving the cluster is decided by its members unanimously (as it is in a mandate contract) (art. 8 e 9)
- The mandate agreement model is less effective than a company model but it is the only model allowed by law (d. lgs 175) and it has no fixed costs and bureaucracy.
- RER asked also for a draft agreement among firms, to offer logistic firms a scheme for integrated action on the market, without the presence of public administrations.

If ER.I.C. Members will intends to participate to economic/market initiative, which implied economic costs, they can refer to a network firms agreement (contratto di rete), identified during the pilot activities. These are the main characteristics of the contract (see annex nr.3):

- Cooperation in order to develop railway freight traffic to northern Europe (art. 3)
- Majority principle: the network agreement establishes also a light structure (the rete) which operates as one (art. 5) with a Presidente (art. 8). The principle is one head one vote (art. 9)
- The network can decide to constitute itself as a legal body (art. 11), in terms similar to a company, with fixed costs which are non-existent when the network remain informal, as a private agreement.

Within the activities carried out in this pilot, the Emilia-Romagna Region and ITL wanted to strengthen the collaboration scheme of ERI.C. providing a more solid legal instruments for the cooperation activities. The basic idea was to reinforce ERIC's governance with the aims to renew the collaborative areas and actions to promote rail transport in a more effective way. In fact, the new agreements can support new activities of Eric in fields (especially regulation a infrastructure) where Eric could operate with less uncertainties than in the past.

ER.I.C. members benefit from these activities having now a clear instruments and legal framework (network agreement and regulation) for their activities and for its future expansion

4. Conclusions

The main lessons learned from the pilot action are related to the following point:

To strengthen rail transport in EU region, a variety of actions can be realised which range from infrastructural point of view to more soft interventions, for instance, the strengthening of collaboration between transport companies among intermodal supply chain, and regional public administrations. To be effective this collaboration have to play in a clear collaborative playground with detailed multi-year work plans, defining also roles, responsibility and operational procedures.

During the pilot activities this challenge has been successfully faced respecting the respective roles and competences. In addition, the new purposes identified and established in the new agreement can support partners in developing further policies and actions.

The replicability potential for other PPs or for the Central Europe area at large because the framework agreements can be easily adapted and replicated by other PPs in other regional context to foster the cooperation among intermodal actors and regional government.