



Internal Rules of Procedure

OF THE MANAGEMENT BOARD OF RAIL FREIGHT CORRIDOR ORIENT/EAST-MED

**“BREMERHAVEN / WILHELMSHAVEN / ROSTOCK / HAMBURG – PRAHA –
VIENNA / BRATISLAVA – BUDAPEST – / BUCUREȘTI – CONSTANȚA / VIDIN –
SOFIA – / BURGAS / SVILENGRAD – (BULGARIAN – TURKISH BORDER) /
PROMACHONAS – THESSALONIKI – ATHÍNA - PATRAS”**

Having regard to Regulation (EU) 913/2010 of the European Parliament and the Council of 22 September 2010 concerning a European rail network for competitive freight transport (hereafter referred to as “the Regulation”) and in particular its Article 8 thereof,

Having regard to the Memorandum of Understanding (MoU) between the Infrastructure Managers and Allocation Bodies of the Czech Republic, Slovakia, Austria, Hungary, Bulgaria, Romania, Greece and Germany on establishing the Management Board of Rail Freight Corridor Orient / East-Med (RFC OEM).

I. GENERAL PROVISIONS

I.1. Legal background

- (1) The Regulation lays down rules for the establishment and organisation of international rail corridors for competitive rail freight with a view to the development of a European rail network for competitive freight and it sets out rules for the selection, organisation, management and the indicative investment planning of freight corridors.
- (2) According to Article 8(2) of the Regulation, for each freight corridor, the infrastructure managers concerned and, where relevant, the allocation bodies shall establish a Management Board (MB) responsible for taking the measures as expressly provided for in paragraphs 5, 7, 8 and 9 of Article 8, and in Articles 9 to 12, Article 13(1), Article 14(2), (6) and (9), Article 16(1), Article 17(1) and Articles 18 and 19 of the Regulation.

I.2. Definitions

- (1) For the purposes of this document the definitions laid down in the Regulation and the MoU apply.
- (2) Beyond the ones referred to in paragraph (1) the following definitions apply:
 - a) Member State: any country, where a Party is registered

I.3. Management Board

- (1) Each Party nominates one representative and a deputy representative to the Management Board. The duration of the term of office for each representative and its deputy is unlimited. The Parties have the exclusive right to appoint and to dismiss their specific representative. The list of initial representatives is provided for in the MoU.
- (2) Members of the Management Board are responsible for active participation in RFC OEM activity, and for carrying out their tasks on a high professional level.
- (3) Representatives of the Parties in the Management Board and their deputies may resign provided they give two weeks’ notice. Each Party is responsible for providing the continuity of its representation.

I.4. Cooperation with the Executive Board

- (1) The Member States concerned in the RFC OEM referred to in the Annex of the Regulation have established an Executive Board (EB).
- (2) The Executive Board is responsible for defining the general objectives of the freight corridor, supervising and taking the measures as expressly provided for in Articles 8(1), 8(7), and in Articles 9 and 11, Article 14(1) and Article 22 of the Regulation. The functions of the Executive Board affecting the activities of the Management Board are detailed in the respective points of this Internal Rules of Procedure.
- (3) If invited by the Executive Board either all representatives or the chairperson or one of the vice-chairs represent the Management Board at the Executive Board meeting. (To ensure good cooperation with the Executive Board after election the chairperson and vice-chairs shall introduce themselves to the Executive Board.)
- (4) The Executive Board is invited to Management Board meetings if relevant.
- (5) Any material and discussion paper prepared by the Management Board for the Executive Board consultation and/or approval shall be previously approved by the Management Board and then submitted to the Executive Board by the Secretariat.

II. ORGANISATION

II.1. Chairmanship

- (1) The Management Board designates a chairperson and two vice-chairs from among the representatives of the Parties and their deputies with mutual consent.
- (2) The Management Board elects the chairperson and the vice-chairs for two-year periods. The election of the chairperson's and/or the vice-chairs' successor(s) shall take place at a meeting of the Management Board convened by the chair-person in office, at least two months before the end of his or her term.
- (3) The term of office of the chairperson and the vice-chairs shall begin on the first day after their predecessor's term of office.
- (4) The vice-chairs shall automatically take the place of the chairperson if he/she is prevented from attending to his/her duties
- (5) If both the chairperson and the vice-chairs are absent or unable to attend a meeting, the meeting shall be chaired by the longest serving member or, in the event of equal length of service, by the oldest of the longest serving members.
- (6) The mandate of the chairperson and the two vice-chairs shall terminate upon expiration of the term of appointment and / or upon removal and / or upon resignation and / or upon the chair's and / or vice-chairs' death. The chair and the two vice-chairmen may resign their office at any time with 2 months' notice.

II.2. Secretariat

The Secretariat shall provide the appropriate administrative support to enable the Management Board to carry out its work. It ensures that the tasks of the Management Board are properly coordinated. In addition, it organises all other associated aspects of the work.

- (1) The Secretariat is designated in a separate Agreement.
- (2) The Secretariat carries out its activity in accordance with MB decisions and shall take in regard the interests of all Parties equally and behave neutrally in any respect.

II.3. Working Groups

- (1) The Management Board sets up Working Groups composed of experts of the Parties to deliver the required measures.
- (2) Each Working Group's work is co-ordinated by a head of Working Group (WG) designated by the Management Board therewith possibly each Party can manage one Working Group.
- (3) The head of Working Group is responsible for the organization and co-ordination of the work in the respective Working Group according to the decisions and expectations of the Management Board and according to the aims and rules set out in the Regulation.
- (4) Every WG shall keep a record of the activities, documents, consultations and decisions made by the WG. Heads of WGs shall inform the Management Board about the activity of the WG via the Secretariat for every Management Board meeting, or take part in the Management Board meeting upon request of the Management Board or the Secretariat.
- (5) The following Working Groups are set up and operated:
 - (i) Interoperability and ERTMS Deployment WG
 - (ii) Marketing WG
 - (iii) Traffic Management WG
 - (iv) One-Stop-Shop WG
 - (v) Infrastructure Development WG
 - (vi) Temporary Capacity Restrictions WG

Responsibilities of each Working Group are detailed below in point II.5.

- (6) All WGs have to inform the Secretariat about the topics to be discussed with Advisory Groups (AGs). The Secretariat is responsible for organizing AG meetings. The professional part of the discussion is the task of the responsible WG.

II.4. Advisory Groups

According to the regulations set forth in paragraphs 7 and 8 of Article 8 of the Regulation the Management Board sets up the following Advisory Groups:

(1) Advisory Group of Terminal Owners and Managers

The members of the Advisory Group of Terminal Owners and Managers are the representatives of the managers and owners of the terminals of the freight corridor including sea and inland waterway ports. The Advisory Group of Terminal Owners and Managers may issue an opinion on any proposal by the Management Board which has direct consequences for investment and the management of terminals. It may also issue own-initiative opinions. The Management Board shall take any of these opinions into account. In the event of disagreement between the Management Board and the Advisory Group of Terminal Owners and Managers, the latter may refer the matter to the Executive Board. The Executive Board shall act as an intermediary and provide its opinion in due time. The final decision however shall be taken by the Management Board.

The Advisory Group of Terminal Owners and Managers shall considerably co-operate with the Management Board in performing the duties defined in Article 14(9) of the Regulation and shall co-operate with Working Groups One-Stop Shop and Terminals in the preparation of the information concerning terminals which has to be published by the one-stop shop according to the Regulation.

(2) Advisory Group of Railway Undertakings

The members of the Advisory Group of Railway Undertakings are the representatives of railway undertakings interested in the use of the freight corridor. The Advisory Group of Railway Undertakings may issue an opinion on any proposal by the management Board which has consequences for these undertakings. It may also issue own-initiative opinions. The Management Board shall take any of these opinions into account.

Rules of consultation between Advisory Groups and the Management Board are defined in a separate document, to be applied by every Advisory Group and Management Board member, published on the website of the RFC OEM.

II.5. Division of Management Board tasks stipulated by the Regulation

According to the Regulation, the Management Boards of rail freight corridors play crucial role in the establishment and operation of the corridors.

For best completion of the complex task of corridor the RFC OEM management, the responsibility to coordinate the completion of certain MB obligations (stipulated by the Regulation) is divided between the organizational units of the RFC OEM as follows

(i) Interoperability and ERTMS WG

- (1) The Management Board shall ensure consistency of the RFC OEM with ERTMS E Corridor. (*Article 4.b) of Regulation*)
- (2) The task of the Interoperability and ERTMS Working Group is to analyse engineering rules, system functionalities, system performance, parameters and procedures as well as a concept for installation, homologation and acceptance works in detail.

(ii) Marketing WG

- (1) The Management Board shall carry out and periodically update a transport market study relating to the observed and expected changes in the traffic on the freight corridor, as a consequence of its being established, covering the different types of traffic, both regarding the transport of freight and the transport of passengers. This study shall also review, where necessary, the socio-economic costs and benefits stemming from the establishment of the freight corridor. *(Article 9(3) of Regulation)*
- (2) The Management Board shall evaluate the need for capacity to be allocated to freight trains running on the freight corridor taking into account the transport market study, the requests for infrastructure capacity relating to the past and present working timetables and the framework agreements. *(Article 14(2) of Regulation)*
- (3) The Management Board shall organise a satisfaction survey of the users of the freight corridor and shall publish the results of it once a year. *(Article 19(3) of Regulation)*
- (4) Due to the importance of customer orientation, in case the MB decides to carry out marketing activity, definition and execution of a marketing strategy for RFCOEM is the task of Marketing WG.

(iii) Traffic Management WG

- (1) The Management Board shall promote coordination of priority rules relating to capacity allocation on the freight corridor. *(Article 14(6) of Regulation)*
- (2) The Management Board shall put procedures in place for coordinating traffic management along the freight corridor. The management Boards of connected freight corridors shall put in place procedures for coordinating traffic along such freight corridors. *(Article 16(1) of Regulation)*
- (3) The Management Board shall adopt common targets for punctuality and/or guidelines for traffic management in the event of disturbance to train movements on the freight corridor. *(Article 17(1) of Regulation)*
- (4) The Management Board shall promote compatibility between the performance schemes along the freight corridor, as referred to in Article 11 of Directive 2001/14/EC. *(Article 19(1) of Regulation)*
- (5) The Management Board shall monitor the performance of rail freight services on the freight corridor and publish the results of this monitoring once a year. *(Article 19(2) of Regulation)*

(iv) One-Stop-Shop WG

- (1) The Management Board shall set up a joint body for applicants to request and to receive answers, in a single place and in a single operation, regarding infrastructure capacity for freight trains crossing at least one border along the freight corridor (one-stop shop for application for infrastructure capacity). *(Article 13(1) of Regulation)*
- (2) The Management Board and the Advisory Group of Terminal Owners and Managers shall put in place procedures to ensure optimal coordination of the allocation of capacity between infrastructure managers, both for requests of one-stop shop and for requests received by infrastructure managers or allocation bodies concerned. This shall also take account of access to terminals. *(Article 14(9) of Regulation)*

- (3) The Management Board shall draw up, regularly update and publish a document described in Article 18 of the Regulation, containing all the information included in the network statements of national networks, the list and characteristics of terminals, and information on the conditions of use of the freight corridor. *(Article 18 of Regulation)*

(v) Infrastructure Development WG

- (1) The Management Board shall draw up and periodically review an investment plan, which includes details of indicative medium and long-term investment for infrastructure in the freight corridor according to Article 11(1) of the Regulation, and shall submit it for approval to the Executive Board. *(Article 11 of Regulation)*

(vi) Temporary Capacity Restrictions WG

- (1) The Management Board shall coordinate and ensure the publication in one place, in an appropriate manner and timeframe, of their schedule for carrying out all the works on the infrastructure and its equipment that would restrict available capacity on the freight corridor. *(Article 12 of Regulation)*

(vii) Secretariat

- (1) The Management Board shall set up and regularly consult an advisory group made up of managers and owners of the terminals of the freight corridor including, where necessary, sea and inland waterway ports. *(Article 8(7) of Regulation)*
- (2) The Management Board shall set up and regularly consult an advisory group made up of railway undertakings interested in the use of the freight corridor. *(Article 8(8) of Regulation)*
- (3) The Management Board shall draw up an implementation plan containing all elements defined in Article 9(1) of the Regulation at the latest 6 months before making the freight corridor operational and shall submit it for approval to the Executive Board. The implementation plan shall take into account the development of terminals to meet the needs of rail freight running on the freight corridor, in particular by acting as intermodal nodes along the freight corridors. *(Article 9(1) of Regulation)*
- (4) The Management Board shall periodically review the implementation plan referred to in paragraph 3, taking into account the progress made in its implementation, the rail freight market on the freight corridor and performance measured in accordance with the objectives referred to in point (c) of paragraph 1 of Article 9 of the Regulation. *(Article 9(2) of Regulation)*
- (5) The Management Board shall, as appropriate, take measures to cooperate with regional and/or local administrations in respect of the implementation plan. *(Article 9(5) of Regulation)*
- (6) The Management Board shall introduce consultation mechanisms with a view to the proper participation of the applicants likely to use the freight corridor. In particular, it shall ensure that applicants are consulted before the implementation plan is submitted to the Executive Board. *(Article 10 of Regulation)*

The above mentioned tasks are the main responsibilities of the organizational units. As there are many complex issues cooperation is required between WGs. Working Groups can involve other Working Groups into their work. Parties are responsible for active participation in WG work, and for carrying out WG tasks on a high professional level.

III. OPERATION

III.1. Working language

The working language of the MB is English, so documents are prepared and meetings are held in English in the framework of MB activity.

III.2. Attendance at Management Board meetings

- (1) Representatives of the Parties should attend all meetings of the Management Board.
- (2) If a representative cannot attend a Management Board meeting, he/she should be substituted
 - a. by his/her deputy, or
 - b. by the representative of another Party, provided that one representative can be authorised by no more than one other representative,based on a written authorisation from the absent representative which has to be submitted to the chairperson at the meeting.
- (3) Unless the Management Board decides otherwise at least one representative of the Secretariat shall be present at the meetings. A representative of the Executive Board, a representative of the European Commission, a representative of each Working Group, a representative of each Advisory Group or other experts may be invited to the meeting or to a part of the meeting if the topics make it necessary.

III.3. Convening of meetings and agenda

- (1) The Management Board shall hold an ordinary meeting at least two times a year. Additional meetings may be organised on the initiative of the chairperson or at the request of at least three members of the Management Board from different Member States. The location and date of the meetings shall be decided by the Management Board at its preceding meetings.
- (2) When the Management Board is to meet at the proposal of the chairperson or at the request of at least three of its members from different Member States, the chairperson shall convene a meeting to take place within six weeks of receipt of the request, or as soon as practicable in urgent cases.
- (3) The draft agenda shall be drawn up by the Secretariat and sent out to the representatives of the Parties and their deputies four weeks prior to the meeting.
- (4) The draft agenda, accompanied by the relevant preparatory material in support of decision making, shall be sent to the representatives of the Parties and their deputies at least 15 days prior to each ordinary meeting.
- (5) The agenda shall be adopted at the beginning of each meeting.

- (6) Urgent questions may be added to the agenda at any time prior to the end of the meeting, and items on the agenda may be deleted or carried over to a subsequent meeting.
- (7) New agenda items added on the meeting can be discussed, but decision can be made only if every Party is present by a representative or a deputy at the meeting.

III.4. Decision making – quorum and voting

- (1) Every Member State has one vote in decision making, which means that there are eight votes altogether.
- (2) Quorum is constituted, if all Parties are represented according to point III.2.
- (3) Decisions are made by mutual consent, i.e. unanimous votes. Members have to continue negotiations until an agreement based on unanimous votes is reached. In case mutual consent cannot be reached inside the Management Board, the Management Board shall refer the matter to the Executive Board.

Decision making at meetings:

- (4) At meetings votes shall be taken by show of hands.
- (5) The decisions taken shall be recorded.
- (6) In the absence of a quorum the Secretariat shall try to contact the absent Parties to find out the reason of their absence and see the possibility of virtual presence. If it does not work then preliminary decisions may be taken, which become valid decisions of the Management Board, if none of the absent Parties objects to them within the deadline as decided by the present Parties. This deadline may not be shorter than 5 days after having received a notification about the preliminary decisions. Notification shall be sent within 5 days after the meeting by the chairperson, a vice-chair or the Secretariat.

Decision making in written procedure

- (7) Without prejudice to paragraphs 5 and 6, decisions of the Management Board may be taken by written procedure, on a proposal from the chairperson.
- (8) Supporting documents to decision-making shall be sent to contact persons and members of MB by the Secretariat. Parties have two weeks to submit their vote to the Secretariat.
- (9) A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety. If rejected justification should be given as well as a proposal for compromise in order to facilitate reaching a mutual consent.
- (10) The Secretariat shall notify the representatives of the Parties of the result of a written procedure within 5 working days from receipt of all votes.

III.5. Transmission of documents; minutes of meetings

- (1) The draft minutes, which shall comprise at least the attendance list and the summary of decisions taken, shall be forwarded by the Secretariat to the members not later than two weeks after the end of the meeting. A statement of the dissenting opinions shall be entered in the minutes.
- (2) The draft minutes has to be submitted to the next Management Board meeting for approval.
- (3) The approved minutes shall be signed by the chairperson. The signed copy of the minutes shall be kept in the archives by the Secretariat of the Management Board.

III.6. Confidentiality

All proceedings of the Management Board shall be confidential. Members and others present at meetings of the Management Board shall respect the confidential character of these proceedings.

IV. FINANCIAL MANAGEMENT OF THE MANAGEMENT BOARD

- (1) The Secretariat shall prepare the annual budget plan of the following year, which is to be approved by the MB at the last ordinary MB meeting of the current year or in written procedure.
- (2) The Management Board continuously monitors its expenditures to be able to intervene on time if necessary.
- (3) Details of the financial management shall be laid down in a separate Agreement.

V. AMENDMENT OF THE INTERNAL RULES OF PROCEDURE

- (1) The Management Board may amend these Internal Rules of Procedure by the decision of all Parties.
- (2) A clean text (including all modifications) of the valid Internal Rules of Procedure has to be always available.
- (3) Amendments to the Internal Rules of Procedure shall enter into force on the date decided by the Management Board.