



RULES OF PROCEDURE OF THE RAILWAY INFRASTRUCTURE MANAGERS NETWORK OF THE WESTERN BALKANS – RIMN WB

The Railway Infrastructure Managers Network of the Western Balkans (**RIMN WB**), hereinafter referred to as 'Network',

Having regard to the Memorandum of Understanding between the Rail Infrastructure Managers of the Western Balkans establishing the Railway Infrastructure Network of the Western Balkans opened for signature on 13 September 2021, hereinafter referred to as 'RIMN WB MoU'.

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Mandate and scope of action of the Network

1. With a view to facilitating the provision of efficient and effective rail services within the Western Balkans, the Rail Infrastructure Managers Network of the Western Balkan RIMN WB, established on 13 September 2021, will uptake the role which will be mirroring the European Network of Infrastructure Managers as foreseen in Article 7f of Directive (EU) 2016/2370 which amends Directive 2012/34/EU (Annex I.2 of the Transport Community Treaty, 'Market access'). It will use all applicable provisions of the Directives.
2. The Network will accordingly commit to fulfil all the tasks of the Western Balkan Infrastructure Managers as provided for in this Directive:
 - (a) develop rail infrastructure in the Western Balkans region;
 - (b) support the timely and efficient implementation of the rail component of the Transport Community Treaty;
 - (c) exchange best practices;
 - (d) monitor and benchmark performance;
 - (e) contribute to the activities of the Permanent Secretariat of the Transport Community referred to in point (b) and (c) of Article 28 of the Transport Community Treaty as well as to the implementation of the Protocols I to VI of the Transport Community Treaty, as appropriate;
 - (f) tackle cross-border bottlenecks; and
 - (g) discuss the application of cooperation in relation to charging systems and the allocation of infrastructure capacity on more than one network, as foreseen respectively in Articles 37 and 40 of the Directive 2012/34/EU.



3. For the purpose of paragraph 2(d), the Network shall identify common principles and practices for the monitoring and benchmarking of performance in a consistent manner.
4. In order to avoid duplication of work and encourage convergence, the Network shall take into account and, where possible, build on the finished work and work in progress as carried out in other cooperation forums, working groups and expert groups.

Article 2 **Membership**

1. The Network shall be composed of Infrastructure Managers from the Western Balkans.
2. For the purpose of this document, the Infrastructure Managers are defined as:
 - (a) *Rail infrastructure managers*: any body or firm responsible for the operation, maintenance and renewal of railway infrastructure on a network, as well as responsible for participating in its development as determined by the South East European Parties of the Transport Community Treaty within the framework of its general policy on development and financing of infrastructure, in keeping with Article 3(2) of Directive 2012/34/EU, as amended by Directive 2016/2370/EU;
 - (b) *Allocation bodies and charging bodies*, where not part of the rail infrastructure managers as specified above, and where they have been entrusted with the performance of essential functions of rail infrastructure management as defined in Article 3(2f) of Directive 2012/34/EU, as amended by Directive 2016/2370/EU.
3. Infrastructure Managers consist of:
 - i) The Main Infrastructure Managers, as determined by each South East European Parties of the Transport Community Treaty¹ or an EFTA² state having incorporated Directive 2012/34/EU in their national legislation, and
 - ii) Other Infrastructure Managers.

Article 3 **Appointment process**

1. All the Infrastructure Managers being signatories to the RIMN WB Memorandum of Understanding will remain members of the Network, subject to their consent to these rules of procedure.
2. In accordance within Article 7f of Directive (EU) 2016/2370 which amends Directive 2012/34/EU, participation in the Network of the Main Infrastructure Managers, as determined by each South East European Party of the Transport Community Treaty, is mandatory. If not yet

¹ With a view to facilitating the provision of efficient and effective rail services within the Region, a Railway Infrastructure Managers Network of the Western Balkans should be established, building on existing platforms. For the purpose of participating in this network, South East European Parties of the Transport Community Treaty should be free to determine which body or bodies should be considered to be their main infrastructure managers.

² European Free Trade Association (EU plus Iceland, Liechtenstein, Norway and Switzerland).



members of RIMN WB, they shall join the Network by notifying the Network Chair.

3. Other Infrastructure Managers shall send an application to the Network Chair in order to join the Network. They will be appointed by the Network Chair if they fulfil the conditions in Article 2(2).
4. Members shall be appointed for an unlimited period.
5. Other Infrastructure Managers may resign their membership of the Network at anytime by notifying the Network Chair. Resigned members shall no longer be committed to any of the decisions or activities of the Network.
6. Members shall nominate their representatives to Network Plenary meetings and other structures and shall be committed to ensuring that their representatives provide appropriate level of management and expertise as provided for in Article 5(4).

Article 4 **Observers**

1. The Transport Community Permanent Secretariat, the European Commission, the European Union Agency for Railways and the relevant associations of European rail infrastructure managers being signatories to the RIMN WB MoU can participate in the Network Plenary meetings and other Network structures as observers and shall nominate their respective representatives.
2. The Network may decide to grant an observer status to other individuals, organisations or public entities, where relevant, for participation in specific structures of the Network.
3. Observers and their representatives may take part in the discussions and provide expertise: however, they shall not have voting rights and shall not participate in the final stage of formulation of recommendations or advice of the Network.

Article 5 **Operation of the Network**

1. The Network is chaired by a representative of Infrastructure Managers.
2. The Chair and Deputy Chair shall be appointed by the decision of Plenary. The mandate of the Chair and Deputy Chair shall be one year. The appointment is done through alphabetical order of the Regional Partner representing. Therefore, the Chair is the first in the row and the next in the row of the alphabetical order is the Deputy Chair. After the end of the mandate of the Chair, the Deputy Chair takes over the Chair position and the next in alphabetical order takes the position of Deputy Chair.
3. The Network decides on its working priorities on a yearly basis.
4. The Network works according to the following structures:
 - i) Plenary meeting, which is the decision-making structure of the Network and is attended at high level (c.f. Article 6);



- ii) Subgroups to develop cooperation and exchange of best practices between the Network members and are attended at expert level (c.f. Article 7);
- iii) Joint meetings with other bodies to discuss matters falling within their respective areas of responsibility and to share information (c.f. Article 8).

5. The Infrastructure Managers and Observers may convene preparatory meetings for discussion and consolidation of their views so as to prepare their contributions to the TCT Technical Committee on Rail.

6. All meetings and communications shall be done in English. All written communications will be done in an electronic form.

7. Meetings shall be held in the headquarters of the Railway Infrastructure Manager designated as Chair or, if held outside of the Chair headquarters, be hosted by other Infrastructure Managers or Observers.

All Network members may take part in the work of any structures of the Network and participate equally in the formulation of its decisions, opinions, recommendations or reports. As a principle rule, the Network shall adopt its decisions, opinions, recommendations or reports by consensus during the Plenary meeting. The Regional Steering Committee of the Transport Community Treaty has also one vote.

8. In the exceptional event of a vote, the outcome shall be decided by a simple majority. There is one vote per each South East European Party represented by the Infrastructure Managers present during the Plenary. The Infrastructure Managers representing several South East European Parties shall announce their affiliation prior to the vote.

In case of opposing positions among the Infrastructure Managers of the same South East European Party, the prevailing position is determined as follows:

- i) the position of the Main Infrastructure Manager prevails, as a general rule;
- ii) the position of an allocation or charging body prevails in case the topic put on vote is under its responsibility in a given South East European Party;
- iii) the position of the Infrastructure Manager operating the longest network prevails, in case of South East European Parties not having incorporated Directive 2012/34/EU in their national legislation and thus not having appointed their Main Infrastructure Managers.

The vote of the South East European Party in question will not be taken into account in case of:

- i) opposing positions among two or more Main Infrastructure Managers of the same South East European Party;
- ii) absence or missing delegation of the Infrastructure Manager with the prevailing position.

In their absence, an Infrastructure Manager may delegate their voting right to another Infrastructure Manager, by sending a request to the Network Chair/Deputy Chair in advance to the meeting. The members who have opposed or voted against shall have the right to have a document summarising their position annexed to the decisions, opinions, recommendations or reports.



9. Without prejudice to paragraph 9, for the purpose of identifying common principles and practices for the monitoring and benchmarking of performance (c.f. Article 1(3)), only the Infrastructure Managers who are regularly participating³ in the work of the relevant subgroup, shall be entitled to vote on proposals for agreeing on such principles and practices.

10. The offices of the Network Chair in place shall provide or arrange support for the Network Secretariat.

11. This framed cooperation is without prejudice to the participation of the Infrastructure Managers or Observers in other forms of sectoral cooperation.

Article 6

Plenary meetings Chairing and coordination

1. The Plenary meetings are chaired by the Network Chair. The Network Chair is assisted by the Deputy Chair. The Network Chair and Deputy Chair are elected from one of the Network Managers on a rolling basis in alphabetical order as per Article 5.2. In case of the absence of the Network Chair, the Deputy Chair takes over their role.

2. The Network Chair shall agree on their duties so as to lead and chair the agenda items that relate to their respective areas of responsibility.

3. As stipulated in Article 5 of the MoU, Transport Community Permanent Secretariat (TCT) will facilitate the organisation of the meetings of the Network that will assist with the preparation and follow-up of Plenary meetings. The stakeholders (Infrastructure Managers) may decide at a later point to establish a Network Secretariat.

Convening meetings

4. Plenary meetings are convened by the Network Chair at regular intervals and no less than twice a year, or more frequently as agreed by the Network. A simple majority of the members can also request the Network Chair to convene a meeting.

Participation

5. Infrastructure Managers shall be represented by the Chief Executive Officer or a member of their executive or management board or, alternatively, by a person appointed for that purpose by the Chief Executive Officer or an Executive Board Member.

Agenda

6. The Network Chair and Deputy Chair shall jointly draw up the agenda. In the interest of transparency, where items cannot be mutually agreed by the Network Chair/Deputy Chair, these shall be reported to the Plenary meeting for information. Wherever possible, agenda items for each

³ The relevant subgroup chair proposes the list of the regular participants, after consulting the members of the subgroup, based on (a) the participation of infrastructure managers in the meetings of the subgroup and (b) the range of data submitted by them. The list shall be approved by the Network Chair.



Plenary meeting shall be agreed at the previous meeting. The agenda shall be formally adopted by the members at the start of each Plenary meeting.

Meeting documents and minutes

7. On behalf of the Network Chair and based on their full agreement, shall distribute to the members and any other invitees, as indicated by the Network Chair:

- i) the invitation to the meeting and the draft agenda no later than 28 calendar days before the date of the meeting;
- ii) the final agenda and the documents on which the Plenary meeting has to take decisions no later than 14 calendar days before the date of the meeting;
- iii) the documents for the information and any presentation to be given no later than 7 calendar days before the date of the meeting.

8. In urgent cases, additional information can be distributed up to 2 days before the date of the meeting.

9. Matters introduced with the agreement of both Network Chair as 'Any Other Business' do not need to comply with the requirements outlined in Article 7, as long as they are not put for a decision.

10. At each meeting, the Chair shall draw up an attendance list specifying the affiliation of the participants.

11. A summary record of discussion on each Article of the agenda shall be drafted by the Network Secretariat under the responsibility of the Network Chair. The summary record shall reflect the overall discussion and decisions taken and shall not mention the individual position of the members during deliberations, unless members specifically request to keep their statements in.

12. Following each Plenary meeting, after approval by the Network Chair, the Chair shall distribute draft summary record of the meeting to the members. Draft summary record shall be subject to revision and amendment by the members having attended the Plenary meeting, and shall be approved at the beginning of the following Plenary meeting.

Written procedure

13. If necessary, the Network's decisions on a specific question may be delivered via a written procedure. To this end, the Network Secretariat sends to the members the document(s) on which the Network is being consulted. The Observers will be kept in the copy of all exchanges.

14. However, if a simple majority of members asks for the question to be examined at a Plenary meeting, the written procedure shall be terminated without result and the question shall be addressed during the next Plenary meeting.



Establishment

Article 7

Subgroups

1. Upon notification of the Network Chair, some or all Network members may at any time set up subgroups when examining specific questions related to the tasks as specified in Article 1. The initiating Network member(s) shall inform the other members so as to give them an opportunity to participate.
2. When deciding whether to set up a Subgroup and defining the specific remit of each Subgroup, the Network members shall, as provided for in Article 1(5), take into account the work already carried out in other fora.

Remit

1. A remit shall be set up for each Subgroup to guide its work, including the description of the scope of its activities and expected deliverables by predefined deadlines, where relevant. If not yet agreed at the time of creation by the Plenary meeting, at the first meeting of a Subgroup its members shall agree on the remit, which shall be agreed on by the Network Chair and presented to the next Plenary meeting. Remits shall be updated as needed.
2. When building on published work and knowledge developed in other fora, or on unpublished work of other fora that the Network has been made aware of by its members, Subgroups shall take this material into consideration where appropriate and to the extent possible.

Reporting

3. The Subgroups shall report back to the Plenary meeting orally or in the form of written reports. The reports and/or recommendations of subgroups, if endorsed by the Plenary meeting, shall be subject to an approval reflected in the summary record of the respective Plenary meeting.

Dissolving

4. Subgroups shall be dissolved as soon as their remit is fulfilled or their allotted time to undertake work has expired. The Chair of the respective Subgroup shall report back to the Plenary meeting on the outcome of the work or reasons for the task not being completed. If relevant, Chair of a Subgroup can request from the Plenary meeting an extension of the remit.

Chairing and secretariat

5. Subgroups shall be coordinated by the Chair. Subgroups are always chaired by a representative of Infrastructure Managers. If not agreed at the time of creation by the Plenary meeting, then at the first meeting of the Subgroup, the Infrastructure Managers present shall decide on the chair for the Subgroup.



6. The Chairs of Subgroups shall be appointed by the Infrastructure Managers participating in the respective Subgroups each year, the current Chair may be reappointed, in particular to ensure continuity of work or dedicated resources.

7. The offices of the Subgroup Chair in place shall provide or arrange support for the secretariats of Subgroups. Infrastructure Managers and Observers may provide administrative or in-kind support for the purpose of assisting Subgroups in their tasks, including secretarial assistance, hosting of meetings, logistical and ICT tasks.

Convening meetings

8. Meetings of a Subgroup are convened by its Chair as often as necessary for completing the tasks as defined in its remit.

Participation

9. All members and Observers shall be invited, but in general are not bound to participate in Subgroups. Nevertheless, participation of Main Infrastructure Managers in the subgroup developing the common principles and practices for the monitoring and benchmarking of performance (c.f. Article 1(3)) is essential in order for the Network to comply with its obligation⁴ to identify such principles and practices in a consistent manner.

10. Subgroups shall be composed of experts or technicians.

11. On an exceptional basis and subject to notification to the Subgroup Chair, a senior management member of an IM can mandate an expert outside of its organisation to represent its interest at this specific meeting.

Meeting documents and summary record

12. The agenda of the meetings shall be drawn up by the Subgroup Chair.

13. The procedures for distribution of the invitations, agendas, attendance lists and other meeting documents, as well as preparing summary records, reports and recommendations shall be agreed by the members of each Subgroup.

14. All documentation related to the work of each Subgroup shall be uploaded by their secretariats to the Members' Area of the RIMN WB website, accessible to all Network members, but by default are not made public.

15. The members of a Subgroup collectively may agree to apply conditions of confidentiality as provided for in Article 12(4) in order to enable the members of the Subgroup to share information.

Article 8

Joint meetings with other bodies

1. The Network can decide to hold joint meetings with other groups and organisations whether or not established under Transport Community legislation to discuss matters falling within their

⁴ C.f. Article 7f(1) of Directive 2012/34/EU, as amended by Directive (EU) 2016/2370.



respective areas of responsibility. Such groups and organisations can represent for instance regulatory bodies, railway undertakings or their end customers, other network industries or the infrastructure managers of other transport modes.

2. Occurrence and modus operandi of such meetings is subject to the approval by the Plenary meeting. Network may decide to appoint on an *ad hoc* basis an Infrastructure Manager or an Observer, who shall coordinate, in cooperation with the other Infrastructure Managers and Observers, the preparation of joint meeting(s).

Article 9

Opinions, recommendations and reports of the Network

In the context of the intention to cooperate as set out in Article 1, the Network shall adopt common principles and practices for the monitoring and benchmarking of performance in a consistent manner. It can also adopt other opinions, recommendations, reports and decisions on its internal functioning, as relevant.

Article 10

Invited experts

The Network Chair and the chairs of other structures listed in Article 5(4) may invite experts, from organisations outside the Network with specific expertise with respect to a subject matter on the agenda, to take part in the meetings on an *ad hoc* basis.

Article 11

Correspondence

1. Correspondence relating to RIMN WB shall be addressed to the Network Chair.
2. At the beginning of each Plenary meeting, the Network Chair shall report to the Network members relevant correspondence related to the Network or its activities that they have received.
3. Correspondence for Network members shall be sent to the e-mail address they have provided for that purpose to the Network Chair.

Article 12

Transparency

1. The Network's deliberations shall be confidential. In agreement with the Network Chair, the Network may, by simple majority decide that deliberations shall be public.
2. The Network shall have its dedicated website to communicate with the public as well as the 'Members Area'. It publishes the information on its activities and agendas, summary records (excluding references to individual quotes) and presentations of the Plenary meetings in the public area. The public part will also contain news, membership information, and overview of the activities of the subgroups and joint meetings with other bodies.



3. Meeting materials of subgroups will in general be shared in the 'Members Area' that shall be accessible only to the members and observers.
4. Exceptions to publication and sharing can be foreseen where it is deemed that disclosure of documents would undermine the protection of commercial interests or inspections/investigations/audits. In such cases, access to certain documents and information can be subject to a signature of non-disclosure agreements.

Article 13

Coordination with the Transport Community Technical Committee on Railways

Pursuant to Article 2 of the RIMN WB MoU, the Network shall inform the Transport Community Technical Committee on Railways about its activities and progress on a regular basis at least twice a year. When the Transport Community Technical Committee on Railways issues a recommendation to the Network, this should be put on the agenda of the next Plenary meeting and be subject to a formal discussion. Any related decision or follow-up action should be documented in the minutes of the Plenary meetings, including possible tasks or activities assigned to a subgroup. If the Network decides not to follow the recommendation of the Transport Community Technical Committee on Railways, it should justify and document its decision in its records.

Article 14

Entry into force

This Rules of Procedure shall enter into force on the day of the Plenary Meeting on which it was adopted by the Members of the RIMN.