

IRG-Rail Working Arrangements

**as amended by the Plenary Assembly in Vienna
on 10 November 2021¹**

¹ (in force from 1 January 2022)

Working Arrangements

The Working Arrangements seek to provide an efficient and transparent approach for the functioning of the Independent Regulators' Group - Rail (IRG-Rail).

1. Plenary Assembly

1.1 Composition

1.1.1 Only Members shall participate at the meetings of the Plenary Assembly.

1.1.2 The Members will be represented by the heads of the regulatory bodies, or any executive designated by the relevant Head.

When the Head/designated representative cannot attend a Plenary Assembly, an alternate may attend and stand in for the Head/designated representative provided that he/she is endowed with written accreditation to guarantee a full mandate and right to participate in a plenary vote. The written accreditation shall be made available to the Chairperson of IRG-Rail at the latest before the Plenary Assembly commences.

1.1.3 If appropriate, additional open sessions of the Plenary Assembly, workshops or seminars etc. can be held to which other interested parties (stakeholders, observers, experts etc.) can be invited. During these meetings no voting procedures shall take place.

1.2 Convocation to Meetings

1.2.1 Meetings of the Plenary Assembly shall be convened by the Chairperson or by the Vice Chairperson in writing, no less than twenty working days prior to the proposed meeting date.

1.2.2 The convocation shall indicate the meeting format, date, time and place of the meeting and shall contain the draft agenda.

1.2.3 The draft documents on which the Plenary Assembly meeting is consulted, and all other working documents shall be sent to the participants no later than ten working days before the date of the meeting.

1.3 Voting Procedures

1.3.1 All Members participating in person or online shall be entitled to vote at the Plenary Assembly. Each Member shall have one vote. A quorum of three quarters of the Members shall apply to decisions to be taken by unanimous vote. This quorum rule shall also apply to the electronic voting procedure.

1.3.2 Voting shall be by a show of hands or by secret ballot. A secret ballot is made if at least two Members participating request so.

1.3.3 For Members participating online, voting by secret ballot shall be done by e-mail or as indicated by the Chairperson.

1.3.4 Decisions shall be adopted by qualified majority in all instances except when deciding on:

(a) admitting new Members;

(b) excluding Members, whereby the Member concerned shall not participate in the vote; and

(c) approving any amendments to the Memorandum of Understanding or to this article.

In these cases, decisions shall be adopted by unanimous vote. The vote is considered unanimous when no participating Member opposes a decision.

1.3.5 A qualified majority is reached when three quarters of IRG-Rail Members vote in favour of the proposed decision. Abstentions do not count as votes in favour.

1.3.6 Voting results are recorded in the minutes of the Plenary Assembly meeting. Where decisions concern written documents, Members may have their voting behaviour referenced in a footnote and explained briefly in an annex to the document approved.

1.4 Electronic Voting Procedure

1.4.1 The Chairperson of IRG-Rail may seek a decision by means of an electronic voting procedure when the decision cannot wait until the next plenary Assembly meeting and an extraordinary meeting is not practicable. For the purpose of the electronic voting procedure, a participating Member is a Member who has cast his/her vote.

1.4.2 The Chairperson of IRG-Rail shall inform the Members of the need and justification for an electronic voting procedure and shall send the draft decisions together with the relevant documents. The period for comments to be submitted is ten working days.

1.4.3 The relevant Working Group shall prepare a final proposal on the basis of these comments. The Chairperson of the Working Group shall submit it to the Chairperson of IRG-Rail who shall launch and conduct the vote. The period for voting is five working days.

1.4.4 The Chairperson of IRG-Rail shall inform all Members on the outcome of the electronic voting procedure and shall distribute any decision taken with all relevant documents within three working days after its adoption.

1.4.5 In urgent matters and if justified by the Chairperson of IRG-Rail the period for comments may be reduced to five working days and the period for voting to three working days. For decisions concerning amendments under 6.4 of the Working Arrangements or written public statements, the period for comments is reduced to three working days and the period for voting to one working day.

1.5 Minutes

1.5.1 The minutes of the Plenary Assembly shall record the decisions adopted in accordance with the voting procedures set out in 1.3 of the Working Arrangements.

1.5.2 The minutes of the Plenary Assembly shall be drafted under the responsibility of the Chairperson of IRG-Rail. The draft minutes shall be sent to all Members for comments within ten working days from the date of the Plenary Assembly meeting.

1.5.3 The final draft minutes shall be made available to all Members within five working days from the expiry of the period for comments. These final draft minutes shall be approved by the next Plenary Assembly. The approved minutes shall be posted on IRG-Rail internal website.

2. Chairperson and Vice-Chairperson

2.1 Election

2.1.1 A candidate must be the head (meaning chairperson, board member, president, vice-president or any other similar senior executive) of a regulatory body and be-nominated by the regulatory body.

2.1.2 Candidacies for IRG-Rail Vice-Chairmanship for the following year shall be submitted to the Chairperson of IRG-Rail at least fifteen working days before the meeting of the Plenary Assembly. All other Members shall be informed of the candidacies in parallel to the submission to the Chairperson of IRG-Rail. The Vice-Chairperson for the following year is elected by the Plenary Assembly in accordance with article 1.3.5 by means of a secret vote.

2.1.3. Should a Chairperson of IRG-Rail or a Vice-Chairperson resign, a new election for the vacancy shall take place at the next Plenary Assembly meeting or via electronic voting, if necessary.

2.2 Representation

2.2.1 IRG-Rail shall be represented externally and in any official documents by the Chairperson or the Vice-Chairperson. They shall be responsible for the internal and external relationships of IRG-Rail.

2.2.2 The Chairperson of IRG-Rail may invite a Chairperson of a Working Group to represent IRG-Rail.

3. Network Meeting

3.1 The Plenary Assembly is supported by a Network Meeting, composed of the representatives of all Members, headed by a representative of the IRG- Rail Chairperson. Members of the Network Meeting shall be empowered to speak on behalf of their national regulatory bodies.

3.2 The Network Meeting is intended to ensure coordination of proposals to be considered by the Plenary Assembly and shall perform the following tasks:

- make the necessary preparations for the Plenary Assembly,
- serve as a facilitator between the Working Groups and the Plenary Assembly,
- aim to resolve outstanding differences of opinion between the Members and, if not possible, to ensure the documents to be submitted to the Plenary Assembly reflect diverging positions,

- ensure that the papers to be submitted for consideration by the Plenary Assembly are complete, consistent, timely prepared and ready for discussion and/or decision,
- finalise the draft agenda for the Plenary Assembly and submit it to the Chairperson of IRG-Rail for approval.

3.3 All documents to be submitted to the Plenary Assembly shall be first presented during the Network Meeting.

3.4 The Network Meeting shall take place at least three weeks prior to the ordinary Plenary Assembly, and may, if requested by the Chairperson of IRG-Rail, meet prior to any extraordinary meetings.

4. Strategy Committee

4.1 The Strategy Committee shall at least be composed of the representatives of the previous, current and next IRG-Rail Chairpersons and the Chairpersons of the Working Groups. All Members can appoint representative(s) to the Committee and inform the Chairperson of IRG-Rail. The members of the Strategy Committee shall be empowered to speak on behalf of their national regulatory bodies.

4.2 The Committee is chaired by the Chairperson of IRG-Rail or his/her representative.

4.3 The Strategy Committee shall meet at least once a year and more frequently if necessary. Meetings of the Strategy Committee shall be convened by the Chairperson of IRG-Rail on their own initiative or at the request of the Member(s).

4.4 The Strategy Committee shall:

- identify key strategic issues likely to impact the role or activities of the Regulatory Bodies, or the rail sector,
- draft the IRG-Rail strategy for the period of three or more years and submit it to the Plenary for approval,
- assist in the preparation of the IRG-Rail Work Programme before its submission to the Plenary Assembly for approval,
- initiate the amendment process of the annual Work Programme,
- identify the topics of common interest for the Working Groups and to initiate cooperation of the Working Groups if necessary.

5. Working Groups

5.1 The Working Groups shall be established or dissolved by the Plenary Assembly. The members of a Working Group shall be empowered to speak on behalf of and present the opinions of their national regulatory body in preparing the IRG-Rail documents.

5.2 Each Working Group is led by one or two Chairpersons. Chairpersons are drawn from different regulatory bodies. The Chairperson of IRG-Rail shall launch a call for candidates for the Chairperson(s) for each Working Group upon request of the Chairperson(s) of the Working Group or a Member of IRG-Rail. The Chairpersons are elected by the Plenary Assembly.

5.3 The terms of the Chairperson or co-Chairperson of a Working Group shall be limited to three years. The three-year period is renewed unless a call for candidates in accordance with Article 5.2. is made.

5.4 In case the Chairperson(s) of a Working Group is unable to perform the duties of the position for a limited time period, the Member that this Chairperson or co-Chairperson represents may propose to temporarily replace the Chairperson or co-Chairperson for the expected period, following consultation of the Chairperson of IRG-Rail and of the members of the Working Group. The Chairperson of IRG-Rail will inform all IRG-Rail Members of the temporary replacement.

5.5 Documents issued by the Working Group shall be fact-based and reflect practical regulatory experiences.

5.6 Each participant in a Working Group is entitled to access all the data made available within the group for the purpose of the work in which he/she takes part.

5.7 Participants in Working Groups are encouraged to use electronic means of communication and exchange of documents through dedicated applications to the extent possible.

5.8 The Working Groups shall be the forum for developing, debating and encouraging Members' positions and encouraging an IRG-Rail position based on Members' experiences and views on regulatory issues. When developing position papers, they shall incorporate into the paper facts as well as experiences and views of Members. A common position based on those facts and experiences shall be pursued. The participants in the Working Group shall seek consensus, where necessary by compromise. The Working Groups' Chairperson(s) shall facilitate such a compromise position.

If persisting diverging positions make it impossible to reach a compromise, the Working Group shall accompany the position paper sent for approval to the Plenary Assembly with a submission note which summarises the diverging positions.

6. Work Programme

6.1 The draft annual Work Programme of IRG-Rail shall be prepared by the Chairperson of IRG-Rail and the Vice-Chairperson with the assistance of the Strategy Committee, upon proposals from the Working Groups. The draft Work Programme shall be considered during the Network Meeting.

Each proposal to be included in the Work Programme is accompanied by a Project Requirement Document, based on discussion in the Working Group. The draft Project Requirement Document shall be considered at the Network Meeting and shall detail the proposed timescales, resource commitments and main elements of the proposal, including whether the document is aimed for publication.

The Chairperson and the Vice-Chairperson of IRG-Rail shall request at the meeting of the Plenary Assembly a commitment among IRG-Rail Members to provide the necessary resources for the items in the Work Programme.

6.2 The draft Work Programme shall be submitted for the approval of the Plenary Assembly. Once approved by the Members, the Work Programme shall be published on the IRG-Rail website.

6.3 The Members shall adopt the annual Work Programme of IRG-Rail before the end of each year preceding that to which it relates.

6.4 The Work Programme can be amended on the initiative of the Strategy Committee, co-Chairpersons of Working Groups or at the request of a Member. The proposed amendments shall be approved by the Plenary Assembly or via electronic voting in accordance with the relevant timescale under 1.4.5.

6.5 The Work Programme shall be conducive to achieving the goals identified in the IRG-Rail Strategy.

7. Revision of the Working Arrangements

7.1 These Working Arrangements shall be reviewed and, if necessary, amended.

7.2 The Chairperson of IRG-Rail may propose, following a request from one of the Members or on his/her initiative, amendments to these Working Arrangements.