



RULES OF PROCEDURE OF THE TECHNICAL COMMITTEE ON RAILWAY OF THE TRANSPORT COMMUNITY

I. GENERAL

1. These Rules of Procedure establish the internal procedures for operation of the Technical Committee on RAILWAY (TCR) established on the basis of Article 26 of the Treaty establishing the Transport Community ('the Treaty') between the European Union and the South East European Parties (the Republic of Albania, Bosnia and Herzegovina, the Republic of North Macedonia, Kosovo*, Montenegro and the Republic of Serbia).
2. In case of any contradiction between these Rules of Procedure and the Treaty, the provisions of the Treaty shall apply.

II. MEMBERS AND OBSERVERS

1. The members of the TCR from the South East European Parties should, in principle, be nominated by respective ministries in charge of transport, and be responsible for railway policies in legislation, investments, maintenance, border crossing operations, deployment of ITS as well as from public railway authorities.
2. The European Union shall be represented by an official from the the European Commission's Directorate-General for Mobility and Transport.
3. Participation in the TCR as observer shall be open to all EU member states. The TCR may invite on case-by-case basis external experts and stakeholders to participate and/or contribute to its discussions and activities. External experts and stakeholders can participate only in the part of the TCR meeting related to the relevant agenda item.

III. CHAIR

1. Each South East European Party shall hold the Chair of the TCR for one calendar year and shall follow in alphabetical order as provided in subparagraph (b) of Article 2(1) of the Treaty or by agreement reached by members of TCR.

The South East European Party to hold the Chair in 2021 shall be Bosnia and Herzegovina.

2. The Chair shall chair the TCR meetings. It shall be assisted by one representative of the European Union who shall be the Deputy Chair and representatives of the Permanent Secretariat of the Transport Community.
3. Should the Chair not be in a position to perform its duties for a particular meeting, that meeting shall be chaired by the representative of the European Union who is the Deputy Chair.

*This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.



IV. PREPARATION OF MEETINGS

1. The Permanent Secretariat of the Transport Community will notify the TCR members on the time and venue of the meetings. The meetings can take place in South East European Parties or in the EU Member States.
2. The draft agenda of the meeting shall be agreed by the Chair and the Deputy Chair. The draft agenda and any documents related to it shall be distributed to the members and the observers at least two weeks prior to the relevant meeting. The members may make comments and propose new items to be added. Material of interest to other states, international organisations or other bodies invited in accordance with paragraph 3 of Section II shall also be distributed to them.
3. The Permanent Secretariat shall be responsible for the preparation of the meetings. It shall inform the Chair and Deputy Chair periodically and upon request about the preparation process and follow their requests and guidance in this regard.

V. MEETINGS OF THE TECHNICAL COMMITTEE - PROCEDURAL RULES

1. It shall be deemed that the TCR reached the required quorum for the meeting only if four South East European Parties and the European Union are represented.
2. TCR shall normally act by consensus.
3. The agenda for the meeting shall be approved by the TCR at the beginning of each session, including possible 'any other business' items. In urgent circumstances, new items may be included during the meeting subject to the agreement of the Chair and the Deputy Chair.
4. Members, Observers and other participants are encouraged to actively participate in the discussions and may make statements when invited by the Chair.
5. The Conclusions of each meeting shall be drawn up with the assistance of the Secretariat. The Conclusions shall record all decisions and measures adopted at the meeting as well as, where appropriate, any positions of the members and any statement by observers regarding actions proposed to be taken by the Technical Committee.
5. The Conclusions shall be distributed to the members and the observers. In case it is not possible to prepare the draft Conclusions by the end of the relevant meeting, the Chair shall ensure that they are prepared and distributed within seven calendar days after the meeting. Any member may request corrections within seven calendar days upon receipt of the draft Conclusions. The Chair shall arrange that the final version is distributed within seven days upon the expiry of the deadline for comments.
6. If a member of the TCR is absent from the meeting, he/she shall communicate his/her position in writing within the same period of seven calendar days from the date of the receipt of the conclusions or a specific request upon the meeting. After that period, if no written interventions, it shall be deemed that the member concerned has no objection.
7. The Conclusions of meetings may not in any way restrict the scope or effects of legal acts or the Treaty. No statements or conclusions which contradict binding legal provisions shall be made. The Conclusions of meetings shall not form part of legal acts, nor shall have any normative effect.
8. In accordance with Article 29 of the Treaty, the discussions shall be held in English without translation.

VI. REPORTING

1. Conclusions and recommendations issued by the TCR shall be communicated to the Regional Steering Committee of the Transport Community through the Permanent Secretariat. TCR members may be called upon to present a Report on implementation of the Rail Action Plan for the Transport Community Ministerial Councils and for other meetings within the framework of the Connectivity agenda for Western Balkans.
2. The Chair and/or the Permanent Secretariat will report annually to the Regional Steering Committee on the work of the TCR.

VII. DISCLOSURE OF INFORMATION

1. Unless otherwise decided, the finalised documents of the meetings (agenda, Conclusions, presentations etc.) shall be made public on the website of the Secretariat.
2. The right of access to documents held by the TCR shall be laid down in accordance with Article 38(2) and (3) of the Treaty.

VIII. FINAL PROVISIONS

1. Any amendments to these Rules of Procedure shall be adopted by a decision of the TCR.
2. If application of these Rules of Procedure to a specific situation gives rise to a difficulty of interpretation, the Chair, in consultation and agreement with the Deputy Chair, shall provide advice to resolve the situation.
3. Following one year from the entry into force of these Rules of Procedure, based on the practical experience with their application, the Secretariat may propose amendments to these Rules of Procedure as it deems useful or necessary. Where a member of the TCR wishes to propose such amendment, it shall consult first with the Secretariat.
4. These Rules of Procedure, which are authentic in the language referred to in Article 29 of the Treaty, shall be published on the website of the Transport Community and shall enter into force on the day of their adoption by the TCR.