

Moving Europe towards a sustainable and
safe railway system without frontiers.

Rules of Procedure of the Executive Board

Revision n°2

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DECISION n°319

of the Management Board of the European Union Agency for Railways establishing the Rules of Procedure of the Executive Board

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

Having regard to the Regulation (EU) N° 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways¹ (hereinafter referred to as “the Agency”) and repealing Regulation (EC) No. 881/2004 (hereinafter called “the Agency Regulation”), and in particular Articles 46(b), 49, 50, 51 § 1 (l)-(m) and 53;

Having regard to Decision n° 318, dated 21-03-2023, of the Management Board adopting its Rules of Procedure, and in particular Article 11 thereof;

Whereas:

In order for the Executive Board to carry out its tasks efficiently and without prejudice to the framework set by the Management Board’s work,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1 – Composition

The Executive Board shall be composed of the following:

1. the Chairperson of the Management Board;
2. four of the other representatives of Member States on the Management Board and their alternates; and
3. one of the representatives of the Commission on the Management Board and/or alternate(s).

Article 2 – Tasks

1. The Executive Board shall prepare decisions to be adopted by the Management Board.
2. Together with the Management Board, the Executive Board shall ensure adequate follow-up to the findings and recommendations stemming from investigations by OLAF and the various internal or external audit reports and evaluations, including by means of appropriate actions of the Executive Director.
3. Without prejudice to the responsibilities of the Executive Director, as set out in Article 54 of the Agency Regulation, the Executive Board shall assist and advise the Executive Director in the implementation of decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.
4. A strategic calendar for the Executive Board shall be established with a view to providing an overview of all areas related to issues of strategic importance and with substantial impact on the resources of the Agency to which the Executive Board should pay particular attention in the performance of its tasks in support of the work of the Management Board.

¹ OJ L 138 26.5.2016, p. 1-43

5. The members of the Executive Board may be assigned by the Management Board the specific role of “rapporteur” for the purpose of monitoring and following more closely the progress made on issues falling within the scope of their tasks from the preparatory phase until the adoption of a final decision on the matter. The rapporteurs shall provide both the Executive Board and the Management Board with regular reports on the issues falling within their mandate as appropriate.
6. After every Executive Board meeting, the Chairperson of the Executive Board shall provide to the members a written report summarising the preparation for decisions to be taken during the following Management Board meeting, as well as the classification of the items “for decision” in the agenda, in line with Annex I to the Management Board Rules of Procedure.
7. Where necessary the Executive Board may organise a Question & Answer (Q&A) session for Management Board members, one week prior to Management Board meetings.

Article 3 – Provisional Decisions subject to a Management Board mandate

1. Where necessary, on grounds of urgency, the Executive Board shall take certain provisional decisions on behalf of the Management Board, in particular on administrative and budgetary matters, subject to a mandate received from the Management Board.
2. In order to take such provisional decisions the Executive Board shall assess the grounds of urgency on the basis of the specific elements and context available for each case where a decision is necessary and act accordingly.
3. The Management Board shall be informed about the assessment including the reasoning behind the Executive Board's action.

Article 4 – Membership

The four representatives of the Members States, and their alternates, shall be appointed by the Management Board, by a two-third majority of its members entitled to vote, on the basis of their relevant competence and experience. When appointing them, the Management Board shall aim to achieve a balanced gender representation on the Executive Board.

Article 5 – Chairpersonship

1. The Chairperson of the Management Board shall act as the Chairperson of the Executive Board. A Deputy Chairperson may be appointed by the Executive Board from among its other members.
2. The term of office of the Chairperson of the Executive Board shall be the same as his/her term as Chairperson of the Management Board.
3. If the Chairperson is prevented from attending to his/her duties, a Deputy Chairperson, who has been appointed pursuant to paragraph 1, shall automatically replace him/her.
4. The provisions of paragraph 2 shall apply mutatis mutandis to the Deputy Chairperson of the Executive Board.
5. If both the Chairperson and the Deputy Chairperson of the Executive Board 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.

Article 6 – Attendance at meetings

1. The Executive Board members should attend all meetings of the Executive Board. Where this is not possible, their alternate should attend in their stead.
2. Both members and alternates can participate in the meetings. One adviser per member/alternate may assist them, unless the Executive Board decides otherwise in a particular case. The adviser may attend the meetings with or without the presence of the member or alternate unless otherwise decided.
3. Any member can also represent one other member, hereinafter called “proxy”, provided that a written authorisation from the absent member is provided to the Chairperson. However, the members representing the Member States cannot be represented by the member representing the Commission. Each member can only receive a maximum of one proxy per meeting.
4. The Executive Director of the Agency shall participate in the meetings, except when his or her participation may lead to a conflict of interests, as decided by the Chairperson, or when the Executive Board is to take a provisional decision, subject to a mandate received from the Management Board and on its behalf, relating to Article 70, in accordance with of Article 51(1) point (i) of the Agency Regulation.
5. Staff members of the Agency and the Secretariat of the Executive Board shall be entitled to attend the meetings of the Executive Board at the discretion of the Executive Director unless the Executive Board decides otherwise in a particular case.
6. One member of the Management Board representing the railway sector may participate, upon invitation of the Chairperson to all the meetings of the Executive Board, without the right to vote. This member will be identified by the members representing the sector in the Management Board.

Article 7 – Convening of meetings

1. The Executive Board shall meet as necessary, namely prior to the meetings of the Management Board and prior to the adoption by the Management Board of decisions on important administrative and budgetary matters, in particular those referred to in Article 53(2) of the Agency Regulation. It shall meet at least once every three months and, where possible, not less than two weeks and not more than six weeks prior to the meetings of the Management Board. The meetings of the Executive Board shall be scheduled taking fully into consideration both the planning of the decision-making of the Management Board as well as the need to allow sufficient time for the necessary preparatory work to be performed between the Executive Board meeting(s) and the immediately following meeting(s) of the Management Board.
2. The meetings shall be convened by the Chairperson with reasonable prior notice to the members of the Executive Board, except in urgent cases.
3. The date of the meetings shall be decided by the Executive Board at least at its preceding meeting.
4. Additional meetings shall be organised at the request of its members or of the Management Board.
5. Meetings shall normally be held remotely while the Executive Board retains the possibility to organise in-person meetings when deemed appropriate. In such cases, if requested by a member or alternate of the Executive Board, the possibility to attend the meeting remotely shall be provided. In person meetings shall be held in one of the seats of the Agency, Lille or Valenciennes, unless the Board decides otherwise.

Article 8 – Agenda

1. A provisional agenda shall be drawn up by the Chairperson and will be uploaded on the Executive Board Extranet space by the Secretariat, accompanied by the relevant material, at least two weeks prior to each meeting, except in urgent cases.
2. The agenda shall be adopted at the beginning of each meeting.
3. With the agreement of a majority of the members present or represented, urgent items 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.
4. The agenda format to include the following:
 - 1) an opening and a closing section;
 - 2) an indication for each item the requested action to be taken by the Executive Board, as follows:
 - i. “Items for MB decisions”: agenda items to be analysed and discussed in view of preparing decisions in the following Management Board meeting. Conclusions on these items to appear in the reports mentioned under Article 2 (6).
 - ii. “Items for information”: agenda items to be presented to the Executive Board members. The Executive Board may request for a discussion to take place.

Article 9 – Quorum

1. The quorum for the Executive Board to validly deliberate shall be at least three members present or proxy holders or represented by an alternate, one being a member representing the Commission, another one being a member representing a Member State and the third one being the Chairperson.
2. In the absence of a quorum, the Chairperson shall postpone or close the meeting, as the case may be, and convene another one as soon as possible.

Article 10 - Voting

1. The Executive Board shall adopt its opinions and provisional decisions by consensus of its members. In case consensus cannot be reached, provisional decisions shall be adopted by the Executive Board by an absolute majority either through a voting tool made available by the Agency or by requesting that every voting member states its vote orally. In the event of a tied vote, the Chairperson shall have the casting vote.
2. In the absence of a member, his/her alternate or proxy holder shall be entitled to exercise his/her right in reaching a consensus/absolute majority. In addition to his/her own right, each member may receive only one proxy. The proxy shall be notified to the Chairperson in advance.
3. The opinions and provisional decisions of the Executive Board, including any dissenting opinion of any of its members, shall be conveyed to the Management Board of the Agency by the Chairperson of the Executive Board.

4. If so requested by the Management Board, any member of the Executive Board may explain the reasons of his/her dissenting opinion, in due time and before the subsequent meeting of the Management Board.
5. The opinions of the Executive Board do not supersede or replace the opinions of the Management Board. The provisional decisions of the Executive Board are subject to final endorsement by the Management Board pursuant to Article 2(1). The provisional decisions of the Executive Board shall maintain their validity until replaced by a final decision of the Management Board on the matter.

Article 11 – Transmission of documents, minutes of meetings

1. The Secretariat shall be in charge of the minutes of each meeting. A draft of the minutes shall be uploaded on the Executive Board extranet by the Secretariat to the members of the Executive Board four weeks after the meeting for comments or approval.
2. The final minutes shall be uploaded on the Executive Board extranet not later than four weeks after their approval.
3. The minutes of the Executive Board shall be made available to all the Management Board members.
4. The Management Board shall be periodically informed of the work of the Executive Board and shall have access to its documents.

Article 12 – Confidentiality

1. Where specific matters during the Executive Board meetings are discussed as confidential, the provisions of article 18 of the Management Board Rules of Procedure apply.
2. Related meeting documents are disclosed in line with Regulation (EC) n° 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents and Administrative Board Decision n° 41 on Arrangements to be applied by the Agency for Public Access to Documents as amended.

Article 13 – Reimbursement of expenses

All travel and subsistence expenses incurred by the members in connection with meetings relating to Executive Board business shall be paid by the Agency under the same rules as for those applied for the reimbursement of the Management Board members.

Article 14 – Correspondence

Correspondence shall be sent preferably through email to the Secretariat. Should paper-based documents need to be sent to the Executive Board, they shall be addressed to the Agency in its Headquarters location.

Article 15 – Secretariat

The Executive Director shall assist the work of the Executive Board and provide the Secretariat and the appropriate administrative support to enable the Executive Board to carry out its work.

Article 16 – Amendment of the Rules of Procedure

The Management Board may amend these Rules of Procedure by absolute majority of its members entitled to vote. Amendments to the Rules of Procedure shall enter into force on the date decided by the Management Board.

Article 17 – Transitional provisions

The Executive Board replaces and succeeds the Sub-Committee of the Administrative Board of the European Railway Agency established by Decision No. 85 of the Agency's Administrative Board as regards all legal acts and obligations.

Article 18 – Repeals

The Decision n°157 of the Management Board of the European Union Agency for Railways amending the Rules of Procedure of the Executive Board dated 26 September 2017 is repealed.

Article 19 – Entry into force

The present decision shall enter into force on the day following the date of its adoption. It will be communicated to all the Executive Board members.

For the Management Board

The Chairwoman
Clio LIÉGEOIS