

Annex 4 to the DAOA – Rules of Internal Order (RIO)

I. General

These Rules of Internal Order (the "**RIO**") set forth the decision-making process rules of the JSC and the HLM (and by cross-reference of the OPSCOM and the Incident Committee) as referred to in Article 12 of the Agreement.

All capitalised terms not expressly defined herein shall have the meanings attributed to them in Annex 1.

II. RIO for JSC

1. Composition of the JSC

1.1. Representatives

Each Party is entitled to nominate one or several representatives to the JSC, but will, regardless of the number of the nominated representatives, always have one (1) vote. The representative(s) of each Party in the JSC is/are designated in writing. The list of such representatives, including their contact details, are held by the JSC Secretary. A Party may change its nominated representative(s) in the JSC by providing the new contact details to the JSC Secretary.

Only representatives from Voting Members are entitled to vote in the JSC in accordance with Article 12.6 of the Agreement, it being understood that all representatives are entitled to participate in the discussions.

Each Party is, with respect to each meeting of the JSC, duly represented either:

- by the nominated representative(s) (as designated by it in the conditions described above); or
- if a nominated representative cannot attend a meeting of the JSC, by any other person duly mandated and empowered to take decisions binding upon its company on all items of the agenda for the meeting of the JSC.

If a Party is unable to attend a JSC meeting either by its nominated representative or by any other mandated person of this Party, such Party may mandate the JSC representative of another Party to represent it.

In case of replacement, the concerned Party informs the JSC Secretary in writing before the JSC meeting that it cannot attend, with indication of the name of the person representing the Party on its behalf. In case of replacement by another Party, the concerned Party provides the JSC Secretary with the power of attorney given to the other Party.

One representative may represent more than one Party, provided it is duly mandated to do so.

1.2. Chair

The meetings of the JSC shall be jointly co-chaired by one (1) representative elected by the NEMOs and one (1) representative elected by the TSOs. The co-chairship of the meetings of the JSC shall, unless otherwise agreed amongst the NEMOs or the TSOs respectively, be rotating on a yearly basis.

Each co-chair may, in exceptional circumstances which prevent him/her to exercise his/her functions at a meeting of the JSC, delegate such task to the other co-chair or as the case may be, to a representative of the NEMOs or TSOs respectively.

Each co-chair shall not have voting rights and shall not be considered representatives.

1.3. JSC Secretary

The JSC Secretary role is performed either by one (1) Party on rotating basis or by a third party appointed by the Parties.

The JSC Secretary has no voting rights and can never (including in extraordinary circumstances) be mandated to vote for any Party.

The JSC Secretary assists the JSC, amongst others by:

- Drafting the agenda, preparing session files and notices of the JSC meetings and distributing them on behalf of the co-chairs;
- Preparing the attendance list of the JSC meetings;
- Verifying before each JSC meeting that the representatives attending the JSC meetings have been either listed on the list of nominated representatives or has been notified as replacement. In the event of representation by another Party, the JSC Secretary collects the power of attorney given by the Party not attending;

- Prepare the minutes of the JSC meeting;
- Ensuring the drafting and circulation of the minutes of the JSC meeting; and
- Keep record in a common (online) storage place of the minutes and supporting documents of the JSC meeting or coordinate with the person responsible for record keeping in accordance with Article 27.1 of the Agreement.

The costs of the JSC Secretary are Common Costs and shall be shared as set forth in Article 15 of the Agreement.

2. JSC meetings

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[REDACTED]

The meeting costs (hosting, organisation, etc.) are a Common Cost and shall be shared as set forth in the Agreement, it being understood that the travel costs of each Party's representative are borne by the Party(ies) he/she is representing.

The JSC may meet either physically or by remote meeting devices (such as e.g. conference call, video call, written procedure, etc.) and the JSC Secretary organising the JSC meeting shall foresee the technical equipment that would allow remote access.

In accordance with article 10 of CACM, ACER and the European Commission shall be invited as observers to the meetings of the JSC.

3. Decision-making rules within the JSC

3.1. Quorum and decision making

The JSC shall be quorate [REDACTED]

Article 12.5 of the Agreement applies for the voting.

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4. Recording of JSC decisions

The decision(s) of the JSC are recorded by the JSC Secretary in written minutes.

The draft minutes (including decisions) are circulated by the JSC Secretary to the members of the JSC, within a maximum of three (3) Working Days of the meeting concerned.

Members of the JSC may comment on the draft minutes within ten (10) Working Days after sending of the decisions in accordance with these RIO (it being understood that the decisions themselves cannot be challenged and are binding as of the meeting during which they are taken, except in the case specified in article II.3.3). Unless agreed otherwise at the JSC meeting, the comments on the draft minutes received are discussed at the next available JSC meeting and the minutes are approved at the next JSC meeting.

The final minutes shall be circulated by the JSC Secretary to all Parties, by two (2) Working Days of their approval.

The final minutes shall be stored in the common (online) storage place as set forth in Article 27.1 of the Agreement.

In accordance with article 10 of CACM, summary minutes of the meetings shall be published by the Parties.

III. RIO for HLM

The rules of internal order for the JSC under article II apply *mutatis mutandis* for the HLM.

IV. RIO for OPSCOM

The rules of internal order regarding the MRC OPSCOM in the Interim Phase and the OPSCOM in the Enduring Phase are provided in the relevant section of Annex 3.

V. RIO for Incident Committee

The rules of internal order regarding the MRC Incident Committee in the Interim Phase and the Incident Committee in the Enduring Phase are provided in the relevant section of Annex 2 (Incident Management Procedure).