

DECISION n° 40

of the Administrative Board of the European Railway Agency amending the 'Policy for Visits to Member States' of the European Railway Agency adopted on 09.03.2006

The ERA Administrative Board,

Having regard to Regulation (EC) N° 881/2004¹ of the European Parliament and the Council of 29 April 2004 establishing a European Railway Agency (hereinafter referred to as "the Agency") as amended by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008², and particular article 33(1) thereof;

Having regard to the 'Policy for Visits to Member States' adopted on 9 March 2006 by the Administrative Board of the European Railway Agency (hereafter the 'Policy for Visits to Member States'),

Whereas,

(1) Some provisions of Regulation (EC) N° 881/2004 of the European Parliament and the Council of 29 April 2004 establishing a European Railway Agency, in particular article 33(1) thereof that is about "Visits to Member States" and some other provisions enumerated therein, have been amended or deleted (article 8) or added (article 9a) by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008;

(2) The Policy for Visits to Member States should therefore be amended accordingly to take into account the renumbering of some provisions enumerated therein ; also the preamble and other parts of the document should be updated in order to refer to the revision of Regulation (EC) N° 881/2004 and to the meeting of the Administrative board of today;

Has adopted this decision:

Article 1

The Policy for Visits to Member States is amended as follows:

¹ OJ L 164 from 30.04.2004, p. 1

² OJ L 354, 31.12.2008 p.51

1. The Preamble, first paragraph is amended by inserting the following words after "(hereafter "the Agency Regulation)":

"as amended by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008,".

2. The Preamble, fourth paragraph, should be amended by adding a reference to the meeting of today. It should then read as follows:

"The following Policy for visits to Member States has been decided by the Administrative board of the Agency on the 9th of March 2006 at Lille, and updated at the meeting of 17 November 2009."

3. In the Paragraph "Scope of this Decision", the words "in order to perform the tasks entrusted to the Agency by Articles 8, 9, 10, 13 and 15 of the Agency Regulation" are replaced by the words "in order to perform the tasks entrusted to the Agency by Articles 9, 9a, 10, 13 and 15 of the Agency Regulation".
4. In the Paragraph "Conditions for a visit", second line, the words "for the performance of its tasks as defined in Articles 8, 9, 10, 13 and 15 of the Agency Regulation" are replaced by the words "for the performance of its tasks as defined in by Articles 9, 9a, 10, 13 and 15 of the Agency Regulation".
5. In the Paragraph "Conditions for a visit", 8th line, the words "referred to tasks according to Articles 8, 9, 10, 13 and 15 of the Agency Regulation" are replaced by the words "referred to tasks according to Articles 9, 9a, 10, 13 and 15 of the Agency Regulation".
6. In the paragraph "Confidentiality", the words "(as may be amended from time to time)" are added after the words "adopted by the Administrative board on 28th October 2004".
7. At the end of the document "Policy for Visits to Member States", the words "Signed on 9 March 2006" are replaced by the words "Signed on 17 November 2009".

Article 2

The Board hereby approves the consolidated version of the Policy for Visits to Member States attached hereto.

This decision shall take effect on the day of its adoption.

Done at Lille, on 17/11/2009

For the Administrative Board

The Chairman

MICHAEL HARTING

Annex: Consolidated Version of the Policy for Visits to Member States