

## **Policy for Visits to Member States**

(Consolidated Version approved by the Administrative Board on 17-11-2009)

**In accordance** with Article 33(1) of Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency (hereafter 'the Agency Regulation'), as amended by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008, which lays down the obligation for the Administrative Board to define a Policy for the visits to be carried out by the Agency;

**With respect to** Article 33 of the above Regulation, which sets out the aim and framework policy for such visits, and

**Bearing in mind** Article 33(1) of the above Regulation, which sets out the prerequisite for co-operation between ERA and Member States in this respect,

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

### ***Scope of this Decision***

In accordance with Article 33 (1) of the Agency Regulation, visits to the Member States are defined as official visits to Member States authorities which are carried out by the Agency's staff in order to perform the tasks entrusted to the Agency by Articles 9, 9a, 10, 13 and 15 of the Agency Regulation.

Beside these official visits, the Agency may visit or meet authorities of Member States as part of its activities if both parties wish to do so. This kind of visit is outside the scope of this Decision.

### ***Conditions for a visit***

The Agency will carry out visits to Member States as necessary for the performance of its tasks as defined in Articles 9, 9a, 10, 13 and 15 of the Agency Regulation. The visits are carried out following a Decision by the Executive Director. Before a decision on a visit is taken, two aspects should be examined:

- a) the expected information gained from a visit must be an important and necessary part of the preparation of a document referred to tasks according to Articles 9, 9a, 10, 13 and 15 of the Agency Regulation.
- b) the information may not be obtained by other means of communication between the Member State and the Agency.

**Information – who**

ERA shall send a letter informing the authorities of the Member State concerned about the planned visit. A copy will be sent to the Permanent Representation to the European Union of the Member State and to the Commission. If the national authorities concerned are not known, the letter shall be addressed to the Permanent Representation to the European Union of the Member State asking for the communication of the appropriate contact point.

**Information – what**

The information ERA shall send to the Member State includes:

- A copy of the Executive Director's decision.
- The names of the persons involved and of the lead person together with their contact details.
- A work schedule setting out the purpose of the visit together with a more detailed list of tasks and, where appropriate, a time table.
- ERA may also request the Member State to supply relevant information relating to the purpose of the visit.

The information the Member State shall provide for ERA includes:

- The contact details for the Member State representatives, the lead person and the contact point.
- Comments on the work schedule and the detailed lists of tasks as provided by ERA.
- Relevant documentation requested by ERA.

**Information – when**

As a general rule, information about a planned visit shall be communicated by electronic means by the Agency, (ERA), to the Member State not later than 30 days before the visit. If requested, a copy of the e-mail can be sent by fax or post.

Where necessary, more detailed information should be sent no later than 15 days before the visit (such information could include arrival and departure times, hotel information, possible local transportation needs etc.).

In the case of changes to the schedule, these should be communicated as soon as possible, but not later than the commencement of the visit.

Under exceptional circumstances, e.g. urgent requests by the Commission, it may not be possible to give the above periods of notice.

**Authorisation**

Any ERA staff delegated to carry out visits will be issued with the decision from the Executive Director of the Agency, indicating the commencement of the visit and the main purpose and the aims of the visit.

**Reporting**

In accordance with this policy, a report of a visit to a Member State will be communicated to the Member State and to the Commission no later than 20 working days after the end of the visit.

***Confidentiality***

Where required or deemed necessary in accordance with the "Arrangements to be applied by the Agency for public access to documents", adopted by the Administrative board on 28<sup>th</sup> October 2004 (as may be amended from time to time), concerning the implementation of the rules on access to documents, reports may be confidential, in whole or in part.

***Travel and accommodation***

ERA will arrange all travel and accommodation for its staff, in accordance with rules for missions. Where necessary, ERA may request advice from the Member State concerned about the most practical arrangements. The necessity for local transport in order to carry out the task at the place of visit should be facilitated by the host Member State (or organisation). Depending on the task, this could include the provision of a car or minibus for transport within the area or to and from the hotel or airport/station.

***Provision of meeting rooms***

The Member State shall provide meeting rooms with the necessary equipment for presentations and if necessary, other facilities.

***Costs associated with visits to Member States***

Each party pays its own costs. ERA will meet any necessary costs for translation work and reimburse its staff for all travel to and from the place of visit, all accommodation and subsistence, in accordance with the ERA rules for missions.

**Signed on xxx**

**Chairman of the Administrative Board**

**Executive Director**

**Mr Marcel Verslype**

## **Annex 1**

### **Decision N° xx**

**To whom it may concern,**

#### **Visit in [Member State], concerning [purpose and aim for the visit]**

The following person(s) [Name and ERA staff no] is (are) authorised in accordance with the agreed policy for visits to Member States as decided by the Administrative Board of ERA, to carry out a visit on/between [date(s)] to [Member State and the place] in order to carry out the following tasks:

1 [specified tasks]

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in accordance with article 33 of the Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency for the purpose of [specification of the purpose].

Your co-operation in facilitating the authorised staff to carry out the above task(s) is kindly requested in conformity with Article 33(1) of Regulation (EC) No 881/2004.

Valenciennes, dd mm yyyy

Executive Director of ERA  
[stamp]

cc:  
[Work schedule, timetable .....]