

DECISION n° 41

of the Administrative Board of the European Railway Agency amending the "Arrangements to be applied by the Agency for Public Access to Documents" adopted on 28.10.2004

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 37 thereof stating that 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, hereafter referred to as "Regulation (EC) n° 1049/2001", shall apply to the documents held by the Agency ;

Having regard to the "Arrangements to be applied by the Agency for Public Access to Documents" adopted on 28 October 2004 by the Administrative Board of the European Railway Agency (hereafter "the Arrangements to be applied by the Agency for Public Access to Documents"),

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, which are mentioned in the Arrangements to be applied by the Agency for Public Access to Documents, have been either deleted (article 11) or modified (article 19) by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008;

(2) The Arrangements to be applied by the Agency for Public Access to Documents should therefore be amended accordingly, and the opportunity should be taken to update the preamble and other provisions thereof;

Has adopted this decision:

¹ OJ L 164, 30.04.2004, p. 1

² OJ L 354, 31.12.2008 p.51

Article 1

The Arrangements to be applied by the Agency for Public Access to Documents is amended as follows:

1. In the Preamble, first paragraph is amended by inserting the following words before "hereafter referred to as "the Regulation".

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

2. In the Article 7 "Measures facilitating access to documents", the paragraph 2 is amended by deleting the indent "a) Documents listed in Article 11 of the Regulation" and by renumbering the remaining indents from "a" to "i".
3. In the Article 8 "Documents directly accessible to the public", the paragraph 1 is amended by deleting the indent "b) Documents listed in Article 11 of the Regulation, if available in electronic form" and by renumbering the subsequent remaining indents from "b" to "j".

4. Article 10 "entry into force" is amended to read as follows:

"This decision shall take effect on the day of its adoption. However, for the documents listed in Article 19 of the Regulation, this Decision will apply provided that the requested document is in a database that is fully operational".

Article 2

The Board hereby approves the consolidated version of the Arrangements to be applied by the Agency for Public Access to Documents attached hereto.

Article 3

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 Arrangements to be applied by the Agency for Public Access to Documents