

## **DECISION n° 39**

### **of the Administrative Board of the European Railway Agency amending the 'Rules of Procedure of the Administrative Board of the European Railway Agency adopted on 15.07.2004'**

The ERA Administrative Board,

Having regard to Regulation (EC) N° 881/2004<sup>1</sup> 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 2008<sup>2</sup>, and particular its article 26 thereof;

Having regard to the 'Rules of procedure of the Administrative Board of the European Railway Agency' adopted on 15 July 2004 (hereafter the 'Rules of Procedure') as amended by Decision n° 03 of 9 March 2006 of the Administrative Board of the European Railway Agency, and in particular article 16 thereof,

Whereas,

(1) Article 26 of Regulation (EC) N° 881/2004 of the European Parliament and the Council of 29 April 2004 establishing a European Railway Agency, that relates to the composition of to the Administrative Board of the Agency, has been modified by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008 in order to enable each of the six professionals nominated by the Commission to the Board, to have also an alternate each, also nominated by the Commission;

(2) The Rules of Procedure should therefore be amended accordingly, and the opportunity should be taken to update the preamble and to correct a typo in the latest official version of the Rules of Procedure;

Has adopted this decision:

#### Article 1

The Rules of Procedure of the Administrative Board of the European Railway Agency are amended as follows:

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<sup>1</sup> OJ L 164, 30.04.2004, p. 1

<sup>2</sup> OJ L 354, 31.12.2008 p.51

1. In the Preamble, first paragraph is amended by inserting the following words after "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 2008<sup>3</sup>,".

2. In the Preamble, third paragraph, the word "the" before "to the Administrative Board" is deleted.
3. The third paragraph of Article 1 (that reads: "The six professionals nominated by the Commission to the Board will not have alternates. In case of absence the provision of article 3 paragraph 2 will apply") is deleted.

## Article 2

The Board hereby approves the consolidated version of the Rules of Procedure of the Administrative Board 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 Rules of Procedure of the Administrative Board

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<sup>3</sup> OJ L 354, 31.12.2008 p.51