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## DECISION n° 147

### *of the Management Board of the European Union Agency for Railways amending the Policy for Visits to Member States*

#### **THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,**

Having regard to the Regulation (EU) N° 2016/796 of the European Parliament and the Council of 11 May 2016 on the European Union Agency for Railways<sup>1</sup> (hereinafter referred to as "the Agency") and repealing Regulation (EC) No 881/2004 (hereinafter called "the Regulation"), and in particular Article 51§1e and 11 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 as amended on 17 November 2009 (hereinafter the 'Policy for Visits to Member States'),

Whereas:

(1) The currently applicable 'Policy for Visits to Member States' should be amended in order to take into account Regulation (EC) N° 2016/796;

#### **HAS DECIDED AS FOLLOWS:**

##### ***Article 1***

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

1. In the Preamble, first paragraph, is replaced with the following:  
'In accordance with Article 51§1(e) of Regulation (EU) No 2016/796 of the European Parliament and of the Council of 11 May 2016 (hereafter 'the Agency Regulation') on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004, which lays down the obligation for the Management Board to define a Policy for the visits to be carried out by the Agency';
2. In the Preamble, second paragraph, Article 33 is replaced by Article 11;
3. In the Preamble, third paragraph, Article 33 (1) is replaced by Article 11 (3);
4. In paragraph "Scope of this Policy", the reference Article 33 (1) shall be replaced by Article 11 (1);
5. In paragraph "Scope of this Decision", the text "in order to perform the tasks entrusted to the Agency by Articles 9, 9a, 10, 13 and 15 of the Agency Regulation" is replaced by "in order to perform the tasks

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<sup>1</sup> OJ L 138 26.5.2016, p. 1-43

entrusted to the Agency, in particular by Articles 14, 20, 21, 25, 26, 31, 32, 33, 34, 35 and 42 of the Agency Regulation, and to assist the Commission in fulfilling its duties under the Treaty on the Functioning of European Union (TFEU), including, in particular the assessment of the effective implementation of relevant Union legislation”.

6. In paragraph “Conditions for a visit”, first line, the text “for the performance of its tasks as defined in Articles 9, 9a, 10, 13 and 15 of the Agency Regulation” are replaced by “for the performance of its tasks as defined in Articles 14, 20, 21, 25, 26, 31, 32, 33, 34, 35 and 42 of the Agency Regulation, and for assisting the Commission in fulfilling its duties under the Treaty on the Functioning of European Union (TFEU), including, in particular the assessment of the effective implementation of relevant Union legislation”.
7. In paragraph “Conditions for a visit”, the first and the second lines are amended as follows: ‘The visits are carried out following a Decision by the Executive Director, after having done all needed consultation with the Member State concerned. Moreover, before a decision on a visit is taken, two aspects should be examined’.
8. In paragraph “Conditions for a visit”, point a) of the second paragraph, the text “ the preparation of the document referred to tasks according to Articles 9, 9a, 10, 13 and 15 of the Agency Regulation” is replaced by the text “preparation of the tasks according to Articles 14, 20, 21, 25, 26, 31, 32, 33, 34, 35 and 42 of the Agency Regulation, and for assisting the Commission in fulfilling its duties under the Treaty on the Functioning of European Union (TFEU), including, in particular the assessment of the effective implementation of relevant Union legislation.”.
9. In paragraph “Information - Who”, first line, after the word ‘visit’ the following wording is added: ‘with all necessary information listed in the following paragraph.’.
10. In paragraph “Information - What”, the wording of the third bullet is amended as follows: ‘A work schedule setting out the purpose of the visit together with a more detailed list of tasks and a time table referring to the expected duration of the whole visit.’
11. In paragraph “Information-WhatThe information the Member State shall provide for the Agency includes’, the wording of the third bullet is amended as follows: “Other information relevant to the visit documentation requested by the Agency and complied with by the Member States”.
12. In paragraph “Information - When”, the first sentence is replaced by the following: ‘The Agency shall consult the Member State concerned in view of planning a visit.’
13. In paragraph “Information - When”, second line, the words ‘As general rule’ is deleted and the following sentence has been added ‘In those cases, the Agency will nonetheless strive to give notice to the MS within a reasonable time.’
14. In paragraph “Confidentiality”, last sentence the words ‘reports of visits’ are added.
15. In the Annex 1 of the Policy the requirement for information of the aim of the visit is added.

## **Article 2**

The Board hereby approves the consolidated version of the Policy for Visits to Member States set out in Annex 1 to this decision.

**Article 3**

The present decision shall enter into force on the day following that of its adoption. It will be published on the Agency website.

Done at Valenciennes, on 03-01-2017  
For the Management Board

The Chairperson  
Mats ANDERSSON

# Annex 1

## European Union Agency for Railways Policy for Visits to Member States

### *(Consolidated Version)*

**In accordance** with Article 51(e) of Regulation (EU) No 2016/796 of the European Parliament and of the Council of 11 May 2016 (hereinafter ‘the Agency Regulation’) on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004, which lays down the obligation for the Management Board to define a Policy for the visits to be carried out by the Agency;

**With respect to** Article 11 of the above Regulation, which sets out the aim and framework policy for such visits, and

**Bearing in mind** Article 11(3) of the above Regulation, which sets out the prerequisite for co-operation between the Agency 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, and lately updated at the meetings of 17 November 2009 and of dd-mm-yyyy.

#### ***Scope of this Policy***

In accordance with Article 11 (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, in particular by Articles 14, 20, 21, 25, 26, 31, 32, 33, 34, 35 and 42 of the Agency Regulation, and to assist the Commission in fulfilling its duties under the Treaty on the Functioning of European Union (TFEU), including, in particular the assessment of the effective implementation of relevant Union legislation.

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 14, 20, 21, 25, 26, 31, 32, 33, 34, 35 and 42 of the Agency Regulation, and for assisting the Commission in fulfilling its duties under the Treaty on the Functioning of European Union (TFEU), including, in particular the assessment of the effective implementation of relevant Union legislation.

The visits are carried out following a Decision by the Executive Director, after having done all needed consultation with the Member State concerned. Moreover, 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 the tasks according to Articles 14, 20, 21, 25, 26, 31, 32, 33, 34, 35 and 42 of the Agency Regulation, and for assisting the Commission in fulfilling its duties under the Treaty on the Functioning of European Union (TFEU), including, in particular the assessment of the effective implementation of relevant Union legislation.
- b) the information may not be obtained by other means of communication between the Member State and the Agency.

**Information – who**

The Agency shall send a letter informing the authorities of the Member State concerned about the planned visit with all necessary information listed in the following paragraph. 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 the Agency 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 a time table referring to the expected duration of the whole visit.

- The Agency 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 the Agency 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 the Agency.

- Other information relevant to the visit requested by the Agency and complied with by the Member States.

**Information – when**

The Agency shall consult the Member State concerned in view of planning a visit.

Information about a planned visit shall be communicated by electronic means by the Agency 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. In those cases, the Agency will nonetheless strive to give notice to the MS within a reasonable time.

**Authorisation**

Any of the Agency 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, 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 amended by the Administrative Board on the 17 November 2009 and by the Management Board on 29 November 2016 concerning the implementation of the rules on access to documents, reports of visits may be confidential, in whole or in part.

***Travel and accommodation***

The Agency will arrange all travel and accommodation for its staff, in accordance with rules for missions. Where necessary, the Agency 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).

***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. The Agency 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 Agency rules for missions.

Done at Valenciennes, on 03-01-2017  
For the Management Board

The Chairperson  
Mats ANDERSSON

# Annex X

## Decision N° xx [indicate title of visit]

**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 Management Board of the Agency, to carry out a visit on/between [date(s)] to [Member State and the place] in order to carry out the following tasks:

1 [specify tasks]

2

In accordance with Article 11 (2) of the Regulation (EU) No 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 for the purpose of [specification of the purpose] and with the aim/s to [specify aim/s].

Your co-operation in facilitating the authorised staff to carry out the above task(s) is kindly requested in conformity with Article 11 (3) of Regulation (EU) No 2016/796.

Done at ... on dd-mm-yyyy

Executive Director of the European Union Agency for Railways  
[stamp]

cc:

[Work schedule, timetable .....]