COUNCIL REGULATION (EC) No 1654/2003

of 18 June 2003

amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission ([1]),

Having regard to the opinion of the European Parliament ([2]),

Having regard to the opinion of the Court of Auditors ([3]),

Whereas:

(1) Certain provisions of Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work ([4]) should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter referred to as 'the general Financial Regulation') ([5]), and in particular Article 185 thereof.

(2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ([6]).

(3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those of that Regulation.

(4) Appropriate provisions should therefore be included in Regulation (EC) No 2062/94 to make Regulation (EC) No 1049/2001 applicable to the European Agency for Safety and Health at Work, as should a provision on appeals against a refusal of access to documents.

([1]) OJ C 331 E, 31.12.2002, p. 77.
([2]) Opinion delivered on 27.3.2003 (not yet published in the Official Journal).
([3]) OJ C 285, 21.11.2002, p. 4.
([4]) OJ L 216, 20.8.1994, p. 1. Regulation as amended by Regulation (EC) No 1643/95 (OJ L 156, 7.7.1995, p. 1).
([5]) OJ L 248, 16.9.2002, p. 1 with Corrigendum in OJ L 25, 30.1.2003, p. 43.
([6]) OJ L 145, 31.5.2001, p. 43.

(5) Regulation (EC) No 2064/94 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2062/94 is hereby amended as follows:

1. Article 6 shall be replaced by the following:

'*Article 6*

Access to documents

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (*) shall apply to documents held by the Agency.

2. The Administrative Board shall adopt the protocol arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Conncil Regulation No 1654/2003 of 18 June 2003 amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work (**).

3. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

(*) OJ L 145, 31.5.2001, p. 43.
(**) OJ L 245, 29.9.2003, p. 38.';

2. Article 10(2) shall be replaced by the following:

'2. The Administrative Board shall adopt the annual report on the Agency's activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee, the Court of Auditors, the Member States and the Advisory Committee on Safety, Hygiene and Health Protection at Work.