COUNCIL REGULATION (EC) No 1648/2003

of 18 June 2003

amending Regulation (EEC) No 1360/90 establishing a European Training Foundation

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 (EEC) No 1360/90 of 7 May 1990 establishing a European Training Foundation [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 [5] (hereinafter referred to as 'the general Financial Regulation') 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 the Regulation governing access to their documents.

(4) Appropriate provisions should therefore be included in Regulation (EEC) No 1360/90 to make Regulation (EC) No 1049/2001 applicable to the European Training Foundation, as should a provision for appeals against a refusal of access to documents.

(5) Regulation (EEC) No 1360/90 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1360/90 is hereby amended as follows:

1. The following Article shall be inserted:

'*Article 4a*

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 Foundation.

2. The Governing Board shall adopt practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1648/2003 amending Regulation (EEC) 1360/90 of 18 June 2003 establishing a European Training Foundation (**).

3. Decisions taken by the Foundation 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 Articles 195 and 230 of the Treaty respectively.

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[1] OJ C 331 E, 31.12.2002, p. 63.
[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 131, 23.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000, 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.

(*) OJ L 145, 31.5.2001, p. 43.
(**) OJ L 245, 29.9.2003, p. 22.'