# REGULATION (EC) No 1643/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

## of 22 July 2003

## amending Regulation (EC) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

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

Having regard to the opinion of the Court of Auditors ([2]),

Having regard to the opinion of the European Economic and Social Committee ([3]),

Acting in accordance with the procedure referred to in Article 251 of the Treaty ([4]),

Whereas:

(1) Certain provisions of Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency ([5]) 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 ([6]) (hereinafter referred to as the general Financial Regulation), and in particular Article 185 thereof.

(2) The general principles and limits governing the exercise of the 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 ([7]).

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

(4) Appropriate provisions should therefore be included in Regulation (EC) No 1592/2002 to make Regulation (EC) No 1049/2001 applicable to the European Aviation Safety Agency, as should a provision on appeals against a refusal of access to documents.

(5) Regulation (EC) No 1592/2002 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1592/2002 is hereby amended as follows:

1. Article 24(2)(b) shall be replaced by the following:

'(b) The Management 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 Court of Auditors and the Member States.

The Agency shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures;'

2. in Article 47:

(a) paragraph 1 shall be replaced by the following:

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

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

([1]) OJ C 331 E, 31.12.2002, p. 85.
([2]) OJ C 285, 21.11.2002, p. 4.
([3]) OJ C 85, 8.4.2003, p. 64.
([4]) Opinion of the European Parliament of 22 October 2002 (not yet published in the Official Journal), Common position adopted by the Council on 3 June 2003 (not yet published in the Official Journal) and Decision of the European Parliament of 1 July 2003.
([5]) OJ L 240, 7.9.2002, p. 1.
([6]) OJ L 248, 16.9.2002, p. 1; corrigendum in OJ L 25, 30.1.2003, p. 43.
([7]) OJ L 145, 31.5.2001, p. 43.